

## VACANCIES IN TOWN MEETING MEMBERSHIP

In accordance with Section 1.5421 of the Amherst Town Government Act, the Town clerk gave legal notice that town meeting vacancies existed in the following precincts: Precinct 3, one vacancy; Precinct 4, one vacancy; Precinct 5, two vacancies.

Registered voters had until 4:30 p.m. on October 23, 2013 to take out nomination papers.

No nominations were received for Precincts 3 and 4.

One nomination was received for Precinct 5. The remaining town meeting members in Precinct 5 were mailed ballots which had to be returned to the Town Clerk by October 31, 2013.

On November 1, 2013 the Town Clerk opened and counted the ballots received and certified Amber M. KaCey to serve as Town Meeting Member in Precinct 5 until the next (2014) Annual Town Election.

## WARRANT SPECIAL TOWN MEETING November 4, 2013

Hampshire, ss.

To one of the Constables of the Town of Amherst, in said county, Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify the registered voters of the Town of Amherst of the **Special Town Meeting** to be held in the Auditorium of the Amherst Regional Middle School in said Amherst at seven o'clock p.m. on **Monday, the Fourth day of November, Two Thousand and Thirteen**, when the following articles will be acted upon by Town Meeting members:

### **ARTICLE 1. Reports of Boards and Committees (Select Board)**

To see if the Town will hear those reports of Town officers, the Finance Committee, and any other Town boards or committees which are not available in written form.

### **ARTICLE 2. Public Art Commission (Select Board)**

To see if the Town will vote to amend the action taken under Article 7 of the 1990 Annual Town Meeting by increasing the membership of the Public Art Commission from five members to seven members.

### **ARTICLE 3. Transfer of Funds – Unpaid Bills (Finance Committee)**

To see if the Town will, in accordance with Chapter 44, Section 64 of the Massachusetts General Laws, appropriate and transfer a sum of money to pay unpaid bills of previous years.

### **ARTICLE 4. FY 14 Budget Amendments (Finance Committee)**

**A.** To see if the Town will amend the budget voted in Article 16 of the 2013 Annual Town Meeting (FY 2014 Operating Budget) to transfer a sum of money from the amount set aside for salary adjustments in General Government to Public Safety, Public Works, Conservation and Development, and Community Services.

**B.** To see if the Town will raise and appropriate \$21,711 from FY14 Estimated Revenue to amend the budget voted in Article 16 of the 2013 Annual Town Meeting (FY 2014 Operating Budget) to increase the appropriation for the Community Services budget by \$17,847 and the General Government budget by \$3,864 to fund the salary, expenses and benefits of a part-time public health nurse.

**ARTICLE 5. Free Cash (Finance Committee)**

**A.** To see if the Town will appropriate and transfer \$156,118 from Free Cash in the Undesignated Fund Balance of the General Fund to the following accounts: \$114,090 to the OPEB Trust Fund of the Town of Amherst; \$6,450 to the Town of Pelham; and \$35,578 to the Amherst-Pelham Regional School District to account for Medicare Part D reimbursements received by the Town of Amherst for prescription drug costs incurred by the Health Claims Trust Fund for Town of Amherst, Amherst-Pelham Regional School District, and Town of Pelham members.

**B.** To see if the Town will appropriate and transfer a sum of money from Free Cash in the Undesignated Fund Balance to the Stabilization Fund.

**ARTICLE 6. Capital Program – Debt Repurpose (Finance Committee)**

To see if the Town will appropriate the following unexpended amounts of money that were initially borrowed to finance capital projects that are now complete, and for which no further liability remains, to pay a portion of the costs of replacement of the boiler at the Wildwood School authorized by Article 21 of the *Annual* Town Meeting May 15, 2013 and to reduce by a like amount the portion of the Wildwood School boiler project funding to be raised by taxation, as permitted by Chapter 44, Section 20 of the General Laws:

<u>Original</u>	<u>Borrowed</u>	<u>Unexpended</u>	<u>Repurpose</u>
Town Hall Exterior Repairs	\$505,000	\$17,878.98	Wildwood School boiler

Voted: ATM Article 8(C), June 18, 2007 and STM Articles 8(B) and 8(C), Nov. 7, 2007

**ARTICLE 7. Capital Program – Equipment (Joint Capital Planning Committee)**

**A.** To see if the Town will raise and appropriate \$12,000 to pay for the purchase of a lawnmower for the School Department.

**B.** To see if the Town will raise and appropriate \$31,700 from the Ambulance Fund for the purchase of a monitoring device for the Fire Department.

**C.** To see if the Town will repurpose \$55,167 of funds originally appropriated under Article 19 of the 2013 Annual Town Meeting for the purchase of CPR assist devices and instead use such sum for the purchase of hydraulically assisted stretchers for the Fire Department ambulances.

**ARTICLE 8. Capital Program – Acceptance of State Grants (Finance Committee)**

**A.** To see if the Town will vote to: (1) authorize the Select Board and/or Conservation Commission to renovate, repair, rehabilitate, improve, and/or restore all or a portion of the land, structures and facilities on the parcels of land on State Street and Mill Street, identified on Assessors Map 2D as Parcel 8 and Assessors Map 5B as Parcels 16, 113, 129, 130, which land shall remain under the care, custody, management and control of the Conservation Commission under the provisions of G.L. c. 40, §8C; (2) to appropriate and transfer \$36,000, of which \$15,000 shall be transferred from previously appropriated funds, \$3,000 from donations, and any remaining balance

shall be borrowed in accordance with G.L. c. 44, §§7, 8C and/or any other enabling authority, and to authorize the Treasurer, with the approval of the Select Board, to issue any bonds or notes that may be necessary for that purpose pursuant to G.L. c. 44, and/or any other enabling authority, for the purpose of renovating, repairing, rehabilitating, improving, and/or restoring said land and the structures and facilities thereon; and (3) to authorize the Select Board, the Town Manager, and/or the Conservation Commission, to file on behalf of the Town any and all applications and /or reimbursements from the Commonwealth of Massachusetts deemed necessary under the Land and Water Conservation Fund Act (P.L. 88-578, 78 Stat 897) and/or any other applications for funds, gifts, grants, under any federal and/or other state program, in any way connected with the scope of this article, and to enter into all agreements and execute any and all instruments as may be necessary or appropriate to effectuate such article.

**B.** To see if the Town will vote to: (1) transfer the care, custody, and control of the parcel of land located at 95 Montague Road, which contains 1.0 acres, more or less, and is described in a deed recorded with the Hampshire Registry of Deeds in Book 1592, Page 158, from the board or officer having custody thereof for the purposes for which it is currently held to the Town Manager for recreational purposes under the provisions of G.L. c. 45, § 14, as it may be amended, and other Massachusetts statutes related to recreation, to be managed and controlled by the Leisure Services and Supplemental Education (LSSE) Commission; (2) to appropriate and transfer \$200,000, of which \$60,000 shall be transferred from the Community Preservation Act Fund and the remaining balance shall be borrowed in accordance with G.L. c. 44, §§7, 8C and/or any other enabling authority, and to authorize the Treasurer, with the approval of the Select Board, to issue any bonds or notes that may be necessary for that purpose pursuant to G.L. c. 44, and/or any other enabling authority for the purpose of repairing, rehabilitating, improving, and/or restoring said land and the structures and facilities thereon, including, without limitation, the water line, sidewalks, public restrooms, fencing, pool, and the pool building; and (3) to authorize the Town Manager and/or the LSSE Commission to file on behalf of the Town any and all applications for grants and/or reimbursements from the Commonwealth of Massachusetts under the Urban Self-Help Act (PARC Act) (301 CMR 5.00) and/or others in any way connected with the scope of this article, and to enter into all agreements and execute any and all instruments including the conveyance of a perpetual restriction in accordance with M.G.L. Chapter 184 as required by Section 12(a) of Chapter 44B or Chapter 293 Section 10 of the Acts of 1998 as amended, as may be necessary on behalf of the Town to affect the foregoing. Said restriction may be granted to any organization qualified and willing to hold such a restriction.

#### **ARTICLE 9. Special Act – Abatement of Taxes (Select Board)**

To see if the Town will vote to authorize the Select Board to petition the General Court for special legislation, as set forth below, to authorize the Board of Assessors to accept an abatement application from the Amherst Committee for a Better Chance, Inc., (“ABC House”); provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Select Board approves amendments to the bill before enactment by the General Court; and provided further that the Select Board is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition; or take any other action relative thereto.

AN ACT authorizing the late filing of a tax abatement application for the Amherst Committee for a Better Chance, Inc.

Section 1. Notwithstanding any general or special law to the contrary, the board of assessors of the Town of Amherst shall accept an application for abatement of property tax on behalf of the Amherst Committee for a Better Chance, Inc. for the tax year 2013. This application shall be considered timely if filed with the assessors within 90 days after the effective date of this act.

Section 2. This act shall take effect upon its passage.

**ARTICLE 10. Watershed Land Acquisition - Amherst (Select Board)**

To see if the Town will (1) authorize the Select Board, in its capacity as the Board of Water Commissioners, to acquire by purchase, gift, or eminent domain, for water supply protection purposes, all or any portion of two parcels of land in the Town of Amherst, being identified as Parcels 39 and 21 on Amherst Assessors' Map 3D, which portions shall contain twelve acres, more or less, (2) appropriate \$ 360,750 for acquisition of such land and costs related thereto, and, to meet such appropriation, transfer \$360,750 from the Water Fund Surplus; and (3) authorize the Select Board, the Town Manager, and/or such other boards as they deem appropriate, to file on behalf of the Town all applications under the Massachusetts Department of Environmental Protection Drinking Water Supply Protection Grant Program and/or other applications for funds, gifts, grants, including grants of reimbursement under any federal and/or other state program, in any way connected with the scope of this acquisition, and to enter into all agreements and execute any and all instruments to effectuate the foregoing acquisition, provided that the Select Board is authorized to acquire these parcels only if, prior to acquisition, the Town has received a commitment for award of a Drinking Water Supply Protection Grant or other federal and/or state program, to defray at least fifty percent (50%) of the amount appropriated under this article, which may be defrayed by reimbursement to the Town following acquisition, or take any action relative thereto.

**ARTICLE 11. Community Preservation Act (Community Preservation Act Committee)**

To see if the Town will vote to: (a) authorize the Select Board to acquire by gift, purchase, and/or eminent domain, for open space purposes, all or a portion of two (2) parcels of land located off Belchertown Road, shown on Assessors Map 15C as Parcels 22 and 54 containing approximately 19.70 acres, and described in a deed recorded with the Hampshire County Registry of Deeds in Book 9423, Page 318, which land shall be under the care, custody, management and control of the Conservation Commission under the provisions of G.L. c. 40, §8C; (b) appropriate the sum of \$150,950 for the acquisition of said land and costs related thereto, of which \$41,785 shall be transferred from the Community Preservation Act Fund Balance and the remaining \$109,165 shall be borrowed in accordance with G.L. c. 44B, §11, and to authorize the Treasurer, with the approval of the Select Board, to issue any bonds or notes that may be necessary for that purpose pursuant to G.L. 44B, §11, G.L. c. 44, and/or any other enabling authority; (c) authorize the Select Board, the Town Manager, and/or the Conservation Commission, as they deem appropriate, to file on behalf of the Town any and all applications under the LAND Program (G.L. c. 132A, §11) and/or any other applications for funds, gifts, grants, under any federal and/or other state program, in any way connected with the scope of this acquisition, and to enter into all agreements and execute any and all instruments as may be necessary or appropriate to effectuate the foregoing acquisition; and, further, (d) authorize the Select Board and/or the Conservation Commission to convey a restriction on said land in accordance with G.L. c. 184, as required by G.L. c. 44B, §12(a).

**ARTICLE 12. Acquisition of Easements – Pomeroy Lane and West Street Intersection  
(Select Board)**

To see if the Town will authorize the Select Board to acquire, by gift, purchase and/or eminent domain, for public way purposes, temporary and permanent, for the construction of roadways and safety improvements at the Pomeroy Lane and West Street Intersection, and for all uses and purposes incidental thereto, which easements are shown on a plan entitled "Pomeroy Village Center Improvements" prepared by the Town, dated September 2013, which is on file in the office of the Town Clerk.

**ARTICLE 13. Zoning Amendment - Medical Marijuana Uses (Planning Board)**

To see if the Town will amend Section 3.360, Medical Uses, and Article 12, of the Zoning Bylaw, as follows:

**A. Under Section 3.360, Medical Uses, add a new Section 3.360.4, as follows:**

**3.360.4 Registered Marijuana Dispensaries (RMDs)**

**3.360.40 Medical Marijuana Treatment Center (MMTC)**

R-O

R-LD R-N R-VC R-G R-N B-G B-L B-VC B-N COM OP LI PRP FPC

N N N N N SP SP\* SP N SP SP SP N N

\*Allowed only in those B-L Districts which co-occur with the R&D overlay district. For other standards and conditions see Section 3.360.41.

See definition under Article 12.

**3.360.41 Off-Site Medical Marijuana Dispensary (OMMD)**

R-O

R-LD R-N R-VC R-G R-N B-G B-L B-VC B-N COM OP LI PRP FPC

N N N N N SP SP SP N SP SP SP N N

Standards and Conditions

See definition under Article 12.

1. Purposes. It is recognized that the nature of the substance cultivated, processed, and/or sold by medical marijuana treatment centers and off-site medical marijuana dispensaries may have objectionable operational characteristics and should be located in such a way as to ensure the health, safety, and general well-being of the public as well as patients seeking treatment. The specific and separate regulation of Registered Marijuana Dispensaries (RMDs) as Medical Marijuana Treatment Centers (MMTCs) and Off-site Medical Marijuana Dispensaries (OMMDs) facilities is necessary advance these purposes and ensure that such facilities are not located within close proximity of minors and do not become concentrated in any one area within the Town of Amherst.

Subject to the provisions of this Zoning Bylaw, Chapter 40A of the Massachusetts General Laws, and 105 CMR 725.000, MMTCs and OMMDs will be permitted to provide medical support, security, and physician oversight that meet or exceed state regulations as established by the Massachusetts Department of Health (DPH).

2. Application Requirements. Above and beyond the standard application requirements for Special Permits, an application for a use under this section shall include the following:

- a) The name and address of each owner of the facility/operation;

- b) Copies of all required RMD registrations issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the facility;
  - c) Evidence that the Applicant has site control and the right to use the site for a facility in the form of a deed or valid purchase and sale agreement, or, in the case of a lease, a notarized statement from the property owner and a copy of the lease agreement;
  - d) A notarized statement signed by the organization's Chief Executive Officer and corporate attorney disclosing all of its designated representatives, including officers and directors, shareholders, partners, members, managers, directors, officers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the Applicant must disclose the identity of all such responsible individual persons;
  - e) In addition to what is normally required in a site plan pursuant to Section 11.2, details showing all exterior proposed security measures for the premises, including lighting, fencing, gates and alarms, etc. ensuring the safety of employees and patrons and to protect the premises from theft or other criminal activity.
  - f) A Management Plan as required under the Rules and Regulations of the Special Permit Granting Authority, including a description of all activities to occur on site, including all provisions for the delivery of medical marijuana and related products to OMMDs or off-site direct delivery to patients.
  - g) A traffic impact report as set forth in the Rules and Regulations of the Special Permit Granting Authority shall be developed and submitted with the application.
3. Regulations. The following regulations shall apply to uses under this section:
- a. Use Regulations.
    - 1) Uses under this section may only be involved in the uses and activities permitted by its definition as limited by state law, and may not include other businesses or services in the same building.
    - 2) No marijuana shall be smoked, eaten or otherwise consumed or ingested on the premises.
    - 3) The hours of operation shall be set by the Special Permit Granting Authority, but in no event shall a facility be open to the public, nor shall any sale or other distribution of marijuana occur upon the premises or via delivery from the premises, between the hours of 8:00 p.m. and 8:00 a.m.
  - b. Locational and Physical Requirements
    - 1) All aspects of a MMTC or OMMD relative to the acquisition, cultivation, possession, processing, sales, distribution, dispensing, or administration of marijuana, products containing marijuana, related supplies, or educational materials must take place at a fixed location within a fully enclosed building and shall not be visible from the exterior of the business.
    - 2) No outside storage of marijuana, related supplies, or educational materials is permitted.
    - 3) No MMTC shall have a gross floor area in excess of 25,000 square feet.
    - 4) No OMMD facility shall have a gross floor area accessible to patients which is in excess of 2,500 square feet, except as may be permitted under 3., e., 1), c). Space in an OMMD facility which is dedicated to administration or operations and is accessible only to employees of the facility shall not be included in this limitation.
    - 5) Ventilation – all facilities shall be ventilated in such a manner that:
      - a) No pesticides, insecticides or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere; and

- b) No odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the MMTC or OMMD facility or at any adjoining use or property.
  - 6) A number of signs determined to sufficient by the Special Permit Granting Authority shall be displayed on the exterior of the facility's entrance in plain sight of clients stating that "Registration Card Issued by the MA Department of Public Health Required" in text two inches in height.
- c. Reporting Requirements
  - 1) All Special Permit holders for uses under this section shall provide the Police Department, Fire Department, Building Commissioner, Board of Health, and Special Permit Granting Authority with the names, phone numbers, mailing and email addresses of all management staff and key-holders, including a minimum of two (2) operators or managers of the facilities identified as designated contact persons to whom notice should be made if there are operating problems associated with any use under this section. All such contact information shall be updated as needed to keep it current and accurate.
  - 2) The designated contact persons shall notify the Police Department, Fire Department, Building Commissioner, Board of Health, and Special Permit Granting Authority in writing:
    - a) A minimum of thirty (30) days prior to any change in ownership or management of a facility regulated under this section, and
    - b) A minimum of twelve (12) hours following a violation, a potential violation, or any attempts to violate any applicable law, or any criminal, potential criminal, or attempted criminal activities at a facility regulations under this section.
  - 3) The designated representatives of permitted facilities shall file an annual report with the Special Permit Granting Authority and shall appear before said Authority to present the report later than January 31<sup>st</sup> of each year, providing a copy of all current applicable state licenses for the owners and facilities, to demonstrate continued compliance with the conditions of the Special Permit.
  - 4) The designated contact persons shall be required to respond by phone or email within twenty-four (24) hours of the time of contact and inquiry regarding operation of the facility by a town official to the telephone number or email address provided as the contact for the business.
- d. Transfer/Discontinuance of Use
  - 1) A Special Permit granted under this Section is non-transferable and shall have a term limited to the duration of the applicant's ownership of the premises as a MMTC or OMMD.
  - 2) Any MMTC or OMMD permitted under this section shall be required to remove all material, plants equipment and other paraphernalia in compliance with 105 CMR 725.105 (J), (O) prior to expiration of its DPH Registration or immediately following revocation or voiding of its DPH Registration.
- e. Prohibitions.
  - 1) The building(s) in which the proposed uses occur shall not be located:
    - a) Within three hundred (300) feet of any building:
      - i. containing another MMTC or OMMD; or

- ii. in which is located a public or private elementary school, middle school, secondary school, preparatory school, licensed daycare center, or any other facility in which children commonly congregate in an organized ongoing formal basis; or
    - iii. owned by and operated as part of the campus of any private or public institution of higher learning, or
    - iv. housing a public library; or
    - v. any residential use, excepting a mixed-use building under Section 3.325; or
  - b) Within, on the same lot as, or on a lot immediately adjacent to a licensed pharmacy; or
  - c) Within buildings that contain any pharmacy, medical doctor offices or the offices of any other professional practitioner authorized to prescribe the use of medical marijuana. An exception shall be that the Special Permit Granting Authority may grant permission for palliative and therapeutic care uses in the same building in which an MMTC or OMMD is operated; or
  - d) Within a building containing residential units, including transient housing or group housing such as hotels, motels, lodging houses, or dormitories.
- 2) The proposed use shall not display:
- a) Off-premises signage; or
  - b) On-premises signage or other marketing on the exterior of the building or in any manner visible from a public way, which, in the opinion of the Special Permit Granting Authority, may promote or encourage:
    - i. The use or abuse of marijuana or other drugs for non-medical purposes; or
    - ii. The use or abuse of marijuana or other drugs by minors; or
    - iii. The active marketing of marijuana or other drugs for medicinal purposes.
 An exception shall be that the Special Permit Granting Authority shall not prohibit signage which is required by the MA Department of Public Health.
4. Findings. In addition to the findings required under Section 10.38, and meeting the provisions of Articles 7, 8, and all other applicable sections of this Bylaw, the Special Permit Granting Authority shall find that the proposed use:
- a. Meets a demonstrated need.
  - b. Meets all of the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will as proposed be in compliance with all applicable state laws and regulations.
  - c. Is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest.
  - d. Provides a secure indoor waiting area for patients.
  - e. Provides an adequate pick up/drop off area.
  - f. Provides adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals, and that the storage and/or location of cultivation of marijuana is adequately secured in enclosed, locked facilities.
  - g. Adequately addresses issues of vehicular and pedestrian traffic, circulation, parking and queuing, especially during peak periods at the facility, and adequately mitigates the impacts of vehicular and pedestrian traffic on neighboring uses.
- B. Add the following new definitions to Article 12, Definitions, in alphabetical order and re-enumerate the remaining existing sections accordingly:**



12. \_\_\_ Medical Marijuana Treatment Center (MMTC): A use operated by a not-for-profit entity registered and approved by the MA Department of Public Health in accordance with 105 CMR 725.000, and pursuant to all other applicable state laws and regulations, also to be known as a Registered Marijuana Dispensary (RMD), that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. An MMTC shall explicitly include facilities which cultivate and process medical marijuana, and which may also dispense and deliver medical marijuana and related products.

12. \_\_\_ Off-Site Medical Marijuana Dispensary (OMMD): A medical marijuana facility that is located off-site from any cultivation/processing facility that is controlled and operated by the same registered and approved non-profit entity which operates an affiliated MMTC but which serves only to dispense the processed marijuana, related supplies and educational materials to patients registered and qualified under the provisions of 105 CMR 725.00 or their personal caregivers.

#### **ARTICLE 14. Zoning Amendment - Affordable Duplexes (Planning Board)**

To see if the Town will amend Section 3.321, Two Family Detached Dwelling (Duplex), of the Zoning Bylaw, by adding the following new Section 3.3212, as follows:

##### 3.3212 Affordable Duplex

R-O

R-LD	R-N	R-VC	R-G	R-F	B-G	B-L	B-VC	B-N	COM	OP	LI	PRP	FPC
SPR	SPR	SPR	SPR	N	N	N	N	SPR	N	N	N	N	N
(SP)	(SP)												

#### Standards & Conditions

An affordable duplex shall be defined as a two family detached dwelling in which at least one (1) unit shall be affordable in perpetuity or to the greatest extent allowed by law, and eligible to be counted on the Commonwealth's 40B Subsidized Housing Inventory (SHI) under the provisions of 760 CMR 50.03 (2) (a) and (b) as amended. Affordable units as described above need not be owner-occupied.

#### **ARTICLE 15. Zoning Amendment - Fraternity Residence (R-F) Dimensions (Planning Board)**

To see if the Town will amend Table 3, Dimensional Regulations, by deleting the lined out dimensions and adding the dimensions in ***bold italics***:

	<b>R-F</b>		
	<b><u>Existing</u></b>	<b><u>Proposed</u></b>	
Basic Minimum Lot Area (sq. ft.) <sup>h</sup>	40,000	<b><i>20,000</i></b>	[For information only] [same as R-N]
Additional Lot Area/Family (sq. ft.)	-----	-----	
Basic Minimum Lot Frontage (ft.)	150	<b><i>100</i></b>	[same as R-G]
Basic Minimum Front Setback (ft.) <sup>a</sup>	25	<b><i>20</i></b>	[same as R-N]

Basic Minimum Side and Rear Yards (ft.) <sup>g</sup>	20	<b>10</b>	[same as R-G]
Maximum Building Coverage (%)	20 <sup>a</sup>	<b>45<sup>a</sup></b>	[same as R-F for lot coverage]
Maximum Lot Coverage (%) <sup>o</sup>	45 <sup>a</sup>	<b>65<sup>a</sup></b>	[same as B-N]
Maximum Floors <sup>a</sup>	3	<b>5</b>	[same as B-G]
Maximum Height (ft.) <sup>n</sup>	40 <sup>a</sup>	<b>55<sup>a</sup></b>	[same as B-G]

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[Included for informational purposes only]

- a. Requirement may be modified under a Special Permit, issued by the Special Permit Granting Authority authorized to act under the applicable section of this bylaw. In applying the criteria established in Section 10.395, the Special Permit Granting Authority shall consider the proposed modified dimensional requirement in the context of the pattern(s) of the same dimensions established by existing buildings and landscape features in the surrounding neighborhood.

#### **ARTICLE 16. Zoning Amendment – Permit Granting Bodies and Signs (Planning Board)**

To see if the Town will amend Section 7.9 and Article 8 by deleting the lined out language and adding the language in ***bold italics***, as follows:

#### **A. Amend Section 7.90, as follows:**

#### **SECTION 7.9 WAIVERS**

- 7.90 Any section or subsection of Article 7.0, Parking Regulations, may be waived or modified by the ~~pPermit gGranting bBoard~~ or ***Special Permit Granting Authority authorized to act under the applicable section of the Bylaw*** for compelling reasons of safety, aesthetics, or site design.
- 7.91 Parking space requirements under Section 7.0 may be modified when one or more of the following conditions are met to the satisfaction of the ***Permit Granting Board or Special*** ~~pPermit gGranting aAuthority~~:
  - 7.910 Peak parking needs generated by on-site uses occur at different times.
  - 7.911 A significant number of employees, tenants, patrons or other parking users of the site are common to and shared by more than one use on the site.
  - 7.912 A parking management plan approved by the ***Permit Granting Board or Special*** ~~pPermit gGranting aAuthority~~ is implemented with occupancy of the building or buildings. Said plan shall include the implementation of such measures as car and van pooling, bicycling and public transit use sufficient to reduce the need for parking. ~~The permit granting authority may require pPeriodic~~ documentation of reductions in

vehicle trips and parking utilization as a result of the parking management plan *may be required as a condition of any permit granted under this section.*

**B. Amend Section 8.41, as follows:**

- 8.41 *An off-site* directional or identification sign may be erected and maintained in any district where the ~~Board of Appeals~~ **Permit Granting Board or Special Permit Granting Authority authorized to act under the applicable section of the Bylaw for the use(s) associated with the sign(s)** acting under Section 10.3, finds that such signs will serve the public convenience, will not endanger the public safety, and will be of such size, location, and design as will not be detrimental to the neighborhood. *Where an off-site directional or identification sign serves a geographic destination but not a specific land use, a Special Permit from the Zoning Board of Appeals shall be required.*

**C. Add a new Section 8.5, Modifications & Waivers, as follows:**

**SECTION 8.5 MODIFICATION & WAIVERS**

*Any section or subsection of Article 8, Sign Regulations, may be waived or modified by the Permit Granting Board or Special Permit Granting Authority authorized to act under the applicable section of the Bylaw for compelling reasons of public convenience, public safety, aesthetics, or site design.*

**ARTICLE 17. Zoning Amendment – Dimensional Interpretation (Planning Board)**

To see if the Town will amend Section 6.1 of the Zoning Bylaw, by deleting the ~~lined-out~~ language, adding the language in ***bold italics***, and reorganizing and re-enumerating the affected sections, as follows:

**SECTION 6.1 INTERPRETATION**

The following explanation shall apply to the column headings in Table 3.

**6.10 Lot Area Requirements**

**6.100** Basic Minimum Lot Area - Except as herein specified, no dwelling or other principal building shall be constructed or used on a lot having less than the prescribed basic minimum lot area in square feet.

**6.101** Cluster Minimum Lot Area - No dwelling or other principal building in a Cluster Development shall be constructed or used on a lot having less than the prescribed cluster minimum lot area, in square feet.

**6.102** Additional Lot Area Per Family - No dwelling for use by more than one family shall be constructed, converted, or occupied unless the lot contains at least the basic minimum area plus the prescribed additional area per family for each family in excess of one.

**6.11 Standard Lot Frontage and Cluster Lot Frontage**

**6.110** Except as herein specified, no dwelling or other principal building shall be constructed or used on a lot having less frontage on a street than the prescribed minimum standard lot frontage, or cluster lot frontage in cluster development.

**6.111** Such frontage shall be measured along a continuous street right-of-way line on which the lot abuts, except that the frontage of lots on the convex side of a curve in a street may be taken as the straight distance between the points on the side lot lines intersected by the prescribed minimum setback line. In the case of lots which have more than one-half of their frontage along the curve of a permanent turnaround (at the end of a dead end street) or of a similar curved street segment serving no more than six (6) dwelling structures, said straight distance between the points on the side lot lines need not exceed seventy (70) percent of the prescribed minimum. On corner lots, where the included angle is less than 135 degrees, either street may be considered as the frontage street, but not both together. This requirement shall not apply to dwellings in a Planned Unit Residential Development.

**6.112** In the General Business (B-G), Limited Business (B-L), Commercial (COM), Village Center Business (B-VC) and Neighborhood Business (B-N) districts, frontage requirements apply to Residence Uses only (Section 3.32).

**6.12** Minimum or Maximum Front Setback

**6.120** The minimum front setback shall be determined by a line parallel to the street right-of-way line extending from one side lot line to the other. No part of *the body of any building, except eaves, gutters, architectural elements, and* uncovered steps, and no accessory structure (other than a sign) having a height of more than four (4) feet shall be placed within or protrude into the area between the setback line and the street line. In the case of corner lots, the setback line shall be observed for all bordering streets.

**6.121** In the General Business (B-G) District, the 20 foot minimum front setback applies only to a part of a building which is within 200 feet of the side boundary of a Residence District abutting on the same street within the same block; otherwise, no setback is required.

**6.13** Minimum Side Yard

**6.130** The minimum side yard shall be the area between the side lot line and the side yard setback line, extending from the front yard to the rear lot line. *No part of the body of any building or accessory structure, except eaves, gutters, architectural elements, and uncovered steps, shall be placed within or protrude into the area between the side lot line and the side yard setback line.* An accessory structure may be located within the minimum side yard only if it is located behind the front building line.

**6.131** An accessory structure having a height of six feet or less shall be set back a minimum of three feet from the side lot line. An accessory structure over six feet in height shall be setback a distance equal to its height.

**6.132** In the General Business (B-G) and Light Industrial (LI) districts, minimum side yards shall be at least 20 feet when adjoining a residence district. Otherwise, side yards are not required, but if provided, shall be at least ten feet. In the General Residence (R-G) District, a single-story garage, tool shed, gazebo or

similar accessory structure may, under a Special Permit, be located within the side yard behind the frontline of the principal building if such use, location, and proposed dimensions are consistent with the prevailing pattern of existing development for such structures in the neighborhood.

- 6.133** For towers or other structures associated with commercial and public wireless communications uses, the provisions of Section 3.340.2 shall apply and prevail.

**6.14** Minimum Rear Yard

- 6.140** The minimum rear yard shall be a similar unbroken area along the rear lot line, subject to the same provision regarding accessory buildings and structures as the rear portion of the required side yard. ***No part of the body of any building or accessory structure, except eaves, gutters, architectural elements, and uncovered steps, shall be placed within or protrude into the area between the rear lot line and the rear yard setback line.***

- 6.141** In the General Business (B-G) and Light Industrial (LI) districts, minimum rear yards shall be at least 20 feet when adjoining a residence district. Otherwise, rear yards are not required, but if provided, shall be at least 10 feet. For towers or other structures associated with commercial and public wireless communications uses, the provisions of Section 3.340.2 shall apply and prevail.

**6.15** Maximum Building Coverage

- 6.150** Maximum building coverage shall be computed as the percentage of the total lot area which may be covered by all principal and accessory buildings and structures. For the purposes of the subsection, a portion of a lot shall be considered as being covered by a structure if it is enclosed on at least three sides by a wall or other substantially sight-impervious fence more than six feet high (whether or not having a roof), or if it has any part of any structure above it in a vertical line.
- 6.151** In the case of a Cluster Development as defined in Section 4.3, building coverage shall be calculated as the percentage of the total area of the development which may be covered by all principal and accessory buildings and structures.

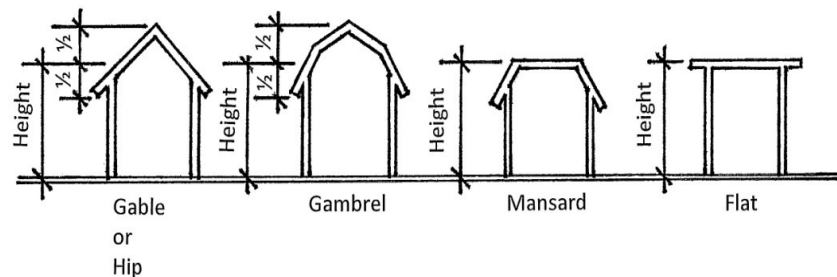
**6.16** Maximum Lot Coverage

- 6.160** Maximum lot coverage shall include the percentage of a lot covered in the manner described in Section 6.17, Maximum Building Coverage, plus that portion of a lot covered by driveways, parking areas, walkways, tennis courts, swimming pools or other similar surfaces.
- 6.161** For the purposes of this Bylaw, all such surfaces, whether constructed of impermeable materials (i.e., concrete, bituminous asphalt, oil and stone and the like) or constructed of permeable materials (i.e., gravel, peastone and the like) shall be included in the calculation of maximum lot coverage.

**6.162** In the Watershed Protection (WP) overlay district, no use of land shall result in the rendering impermeable of more than 15% of the total area of any lot, or more than 20% with artificial recharge, or a total of 2,500 square feet, whichever is greater.

## **6.17** Minimum and Maximum Height

**6.170** In all districts, the minimum or maximum height of a building shall be measured as the vertical distance from the average finished grade on the street side of the structure to the highest point of the roof for flats roofs, to the deck line for mansard roofs, and to the average height (midpoint) between the highest eaves and ridge of the main body of the roof for gable, hip, shed, saltbox, and gambrel roofs, or combinations thereof.



**Section 6.19 – Building Height**

**6.171** In the B-G, B-L, B-VC, B-N, COM, and R-VC districts, the maximum height of buildings may be modified under a Special Permit granted by the Special Permit Granting Authority authorized to act under the provisions of this bylaw for compelling reasons of building function, utility, or design, including but not limited to allowing construction of the full number of maximum floors under difficult site conditions such as steep grades, or with a pitched roof design, or similar conditions. In granting any such modification, the Special Permit Granting Authority shall consider the patterns of height and roof styles established by existing buildings, structures, and landscape features in the surrounding area, and provided that in no case shall the height of any exterior face of a building exceed the permitted height by more than ten (10) feet.

**6.172** Height limitations shall not apply to chimneys, spires, cupolas, TV antennae and other parts of buildings or structures not intended for human occupancy. Towers, antennae, panels, dishes and other such structures attached to a building in association with commercial and public wireless communication uses shall not exceed the maximum height of said building, as above defined, by more than ten feet. Related electronic equipment and equipment structures shall not exceed the maximum height. For towers and other such free-standing structures associated with wireless communications uses, the provisions of Section 3.340.2 shall apply and prevail.

**6.18 Minimum or Maximum Floors**

- 6.180** *A floor or story in a residential or non-residential building shall be considered to be that portion of a building, other than a half-story in a top floor (attic) or basement, between any floor and the ceiling or roof next above it, as measured under the Massachusetts Building Code.*
- 6.181** *A half-story in a top floor shall be a lawful habitable space with required means of access and egress and in which a minimum seven (7) foot floor-to-ceiling height exists in at least half of the habitable floor area but no less than one-third of the habitable floor area of the full story below.*
- 6.182** *A basement half story shall be any lawful habitable space with required means of access and egress and in which a minimum seven (7) foot floor-to-ceiling height exists in at least half of the habitable floor area but no less than one-third of the habitable floor area of the full story above, and where more than half of the habitable space is located above the average finished grade of the exterior of the building.*

**ARTICLE 18. Zoning Amendment – Uses Allowed in Mixed-Use Buildings (Planning Board)**

To see if the Town will amend Section 3.325 of the Zoning Bylaw by deleting the lined out language and add the language in ***bold italics***, as follows:

3.325 ***Mixed-use B***-building containing dwelling  
~~units in combination with stores or other~~  
~~permitted business or commercial uses~~

Standards & Conditions

***A mixed-use building shall be a building containing one or more dwelling units as principal residential uses in combination with retail stores or other permitted business, institutional, government, public service, consumer service, office or similar principal use(s) and lawful accessory use(s).***

A management plan, as defined in terms of form and content in the Rules and Regulations adopted by the Permit Granting Authority shall be included as an integral part of any application made under this section. In those Limited Business (B-L) Districts not abutting the B-G District, and in the Commercial (COM) District, a Special Permit from the Special Permit Granting Authority authorized to act under this section of the bylaw shall be required wherever proposed residential uses above the first floor exceed ten (10) dwelling units. The proposed use shall meet the criteria of Section 10.38 or Section 11.24, as applicable, with respect to the site and potential conflicts between the residential and commercial use(s).

In the Commercial (COM) District, no dwelling units, nor any internal space associated with a dwelling unit shall occupy any first floor portion of a building facing onto a street, public plaza, or other space customarily used by the public. First floor residential dwelling units and any required entries thereto, shall be located on the rear of buildings, adjacent to any required parking and private open space associated with and serving those units. No more than forty percent (40%) of the first floor Gross Floor Area (GFA) shall be used for residential purposes, which shall include not more than fifteen percent

(15%) of said GFA associated with or incidental to, whether for storage, required entries, stair/elevator towers, or other purposes, any residential uses on upper floors.

**ARTICLE 19. Petition – Zoning Amendment – Uses Allowed in Mixed-Use Buildings (Melissa Perot et al)**

To see if the Town will amend section 3.325 of the Zoning Bylaw by deleting the lined out language and adding the language in ***bold italics***, as follows:

3.325 ~~Mixed Use building containing dwelling units in combination with stores or other permitted business or commercial use.~~  
Standards & conditions

***A mixed-use building shall be a building containing one or more dwelling units in combination with retail stores, or other commercial, permitted business, or similar use(s).***

A management plan, as defined in terms of form and content in the Rules and Regulations adopted by the Permit Granting Authority shall be included as an integral part of any application made under this section. In those Limited Business (B-L) Districts not abutting the B-G District, ~~and in the Commercial (COM) District,~~ a Special Permit from the Special Permit Granting Authority authorized to act under this section of the bylaw shall be required wherever proposed residential uses above the first floor exceed ten (10) dwelling units. ***In the Commercial (COM) District, a mixed-use building abutting the Residence Neighborhood (R-N) Professional Research Park (PRP) or the Flood Plane Conservancy Zone, a Special Permit from the Special Permit Granting Authority authorized to act under this section shall be required whenever proposed residential uses exceed six (6) dwelling units.*** The proposed use shall meet the criteria of Section 10.38 or Section 11.24, as applicable, with respect to the site and potential conflicts between the residential and commercial use(s).

In the Commercial (COM) District, no dwelling units, or any internal space associated with a dwelling unit shall occupy any first floor portion of a building facing onto a street, public plaza, or other space customarily used by the public. First floor residential dwelling units and any required entries thereto, shall be located in the rear of buildings, adjacent to any required parking and private open space associated with and serving those units. No more than forty percent (40%) of the first floor Gross Floor Area (GFA) shall be used for residential purposes, which shall include not more than fifteen percent (15%) of said GFA associated with or incidental to, whether for storage, required entries, stair/elevator towers, or other purposes, any residential uses on upper floors.

**ARTICLE 20. Petition – Resolution - Divestment of Funds from Fossil Fuel Companies (Alice Swift et al)**

WHEREAS, Global warming, caused primarily by the burning of fossil fuels, is a serious threat to current and future generations in Amherst and around the world; and

WHEREAS, Global warming is already causing costly disruption of human and natural systems both in Amherst and throughout the world including the increase in extreme weather leading to power failures, flooding, drought, food and water shortages, property damage and death; the severe acidification of oceans; and the rapid melting of Arctic ice and rise in sea levels causing devastation of coastal areas; and



WHEREAS, The effects of global warming will further intensify with increased temperatures such that almost every government in the world (including the United States) has agreed through the 2009 Copenhagen Accord that any warming above a 2°C (3.6°F) rise would be unsafe for human habitation; and

WHEREAS, For the purposes of this resolution, a “fossil fuel company” shall be defined as any of the two hundred publicly-traded companies with the largest coal, oil, and gas reserves as measured by the gigatons of carbon dioxide that would be emitted if those reserves were extracted and burned, as listed in the Carbon Tracker Initiative’s “Unburnable Carbon” report; and

WHEREAS, At least two-thirds of existing fossil fuel reserves will have to remain underground - unburnable and worthless - resulting in a “carbon bubble” if the world is to meet existing internationally agreed targets to avoid the threshold for "dangerous" climate change; and

WHEREAS, There is a national movement underway to divest from fossil fuel companies as both a moral action and a means of weakening the fossil fuel industry politically, with (so far) 11 U.S. municipalities including Seattle and San Francisco resolving to divest their portfolios of fossil fuel companies and hundreds of religious and higher learning institutions considering divestment from fossil fuel companies; and

WHEREAS, The Town of Amherst has a moral duty to protect the lives and livelihoods of its inhabitants from the threat of global warming and believes that its investments should support a future where citizens can live healthy lives without the catastrophic impacts of a warming environment; and

WHEREAS, Leadership is critical to build national momentum for the movement to divest from fossil fuel companies; and

WHEREAS, Amherst is showing leadership in sustainability, having articulated and demonstrated this leadership in various ways, such as Sustainable Amherst, hiring a Sustainability Coordinator, and the designation as a Massachusetts Green Community.

THEREFORE, BE IT RESOLVED, That Amherst Town Meeting urges the Hampshire County Retirement Board and the Town Treasurer to review their investment portfolios in order to identify any holdings that include direct or indirect investments in fossil fuel companies; and, be it FURTHER RESOLVED, That Amherst Town Meeting urges the Hampshire County Retirement Board and the Town Treasurer to adopt policies precluding any new investments in fossil fuel companies or indirect investments that include holdings in fossil fuel companies; and, be it

FURTHER RESOLVED, That Amherst Town Meeting urges the Hampshire County Retirement Board and the Town Treasurer to release yearly updates, available to the public, detailing progress made towards full divestment; and be it

FURTHER RESOLVED, That Amherst Town Meeting endorses proposed state legislation requiring divestment of statewide retirement funds {Pension Reserves Investment Trust (PRIT)} from fossil fuel companies, and precluding such investment in the future; and directs that this resolution and letters of support for divestment legislation be sent to elected officials including Senator Rosenberg, Representative Story, Governor Patrick, and Steven Grossman, Treasurer of the Commonwealth.

You are hereby directed to serve this call by posting attested copies thereof at the usual places:

Prec. 1	North Amherst Post Office	Prec. 6	Fort River School
Prec. 2	North Fire Station	Prec. 7	Crocker Farm School
Prec. 3	Immanuel Lutheran Church	Prec. 8	Munson Memorial Library
Prec. 4	Amherst Post Office	Prec. 9	Wildwood School
Prec. 5	Town Hall	Prec. 10	Campus Center, UMass

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said meeting.

Given under our hands on this 7<sup>th</sup> day of October, 2013.

Stephanie J. O’Keeffe  
Aaron A. Hayden  
James J. Wald  
Diana B. Stein  
Alisa V. Brewer  
Select Board

October 8, 2013

Hampshire, ss.

In obedience to the within warrant, I have this day as directed posted true and attested copies thereof at the above designated places, to wit:

Thomas J. Sarna  
Constable, Town of Amherst

### RESULTS SPECIAL TOWN MEETING November 4 and 6, 2013

The meeting was televised by Amherst Community Television and shown on the Government Channel. The Special Town Meeting was called to order by the Moderator, James Pistrang at 7:10 p.m. There were 246 town meeting members. 124 checked in and a quorum was declared. The call and return of the warrant was read by Town Clerk, Sandra J. Burgess.

The Moderator asked for a moment of silence in memory of former Town Meeting Members Norman Ford and Lillian Silver who passed away since the last town meeting.

#### **ARTICLE 1. Reports of Boards and Committees (Select Board)**

**VOTED unanimously** to hear those reports of Town officers, the Finance Committee, and any other Town boards or committees which are not available in written form.

Action taken 11/4/2013

*[Reports were given by Town Manager John Musante, and Andrew Steinberg, on behalf of the Finance Committee]*

**ARTICLE 2. Public Art Commission (Select Board)**

**VOTED unanimously** to amend the action taken under Article 7 of the 1990 Annual Town Meeting by increasing the membership of the Public Art Commission from five members to seven members.

Action taken 11/4/2013

**ARTICLE 3. Transfer of Funds – Unpaid Bills (Finance Committee)**

**VOTED unanimously** in accordance with Chapter 44, Section 64 of the Massachusetts General Laws, to appropriate and transfer a sum of money to pay unpaid bills of previous years.

Action taken 11/4/2013

**ARTICLE 4. FY 14 Budget Amendments (Finance Committee)**

**A.**

**VOTED unanimously** to amend the action taken under Article 16 of the 2013 Annual Town Meeting Fiscal Year 2014 Operating Budget by increasing the appropriations and the amounts to be raised by taxation for the Public Safety account by \$63,299, the Conservation and Development account by \$16,653, and the Community Services account by \$19,146 and to meet such increased appropriation by decreasing the appropriation and the amount to be raised by taxation for General Government by \$99,098.

Action taken 11/4/2013

**B.**

**VOTED unanimously** to raise and appropriate \$21,711 from FY14 Estimated Revenue to amend the budget voted in Article 16 of the 2013 Annual Town Meeting (FY 2014 Operating Budget) to increase the appropriation for the Community Services budget by \$17,847 and the General Government budget by \$3,864 to fund the salary, expenses and benefits of a part-time public health nurse.

Action taken 11/4/2013

**ARTICLE 5. Free Cash (Finance Committee)**

**A.VOTED** to appropriate and transfer \$156,118 from Free Cash in the Undesignated Fund Balance of the General Fund to the following accounts: \$114,090 to the OPEB Trust Fund of the Town of Amherst; \$6,450 to the Town of Pelham; and \$35,578 to the Amherst-Pelham Regional School District to account for Medicare Part D reimbursements received by the Town of Amherst for prescription drug costs incurred by the Health Claims Trust Fund for Town of Amherst, Amherst-Pelham Regional School District, and Town of Pelham members.

Action taken 11/4/2013

**B.**

**VOTED unanimously** to appropriate and transfer \$1,326,223 from Free Cash in the Undesignated Fund Balance of the General Fund to the Stabilization Fund.

Action taken 11/4/2013

**ARTICLE 6. Capital Program – Debt Repurpose (Finance Committee)**

**VOTED** to appropriate the following unexpended amounts of money that were initially borrowed to finance capital projects that are now complete, and for which no further liability remains, to pay a portion of the costs of replacement of the boiler at the Wildwood School authorized by Article 21 of the *Annual* Town Meeting May 15, 2013 and to reduce by a like amount the portion of the Wildwood School boiler project funding to be raised by taxation, as permitted by Chapter 44, Section 20 of the General Laws:

<u>Original</u>	<u>Borrowed</u>	<u>Unexpended</u>	<u>Repurpose</u>
Town Hall Exterior Repairs	\$505,000	\$17,878.98	Wildwood School boiler

Voted: ATM Article 23, June 18, 2007 and STM Articles 8(B) and 8(C), Nov. 7, 2007  
Action taken 11/4/2013

#### **ARTICLE 7. Capital Program – Equipment (Joint Capital Planning Committee)**

##### **A.**

**VOTED** to raise and appropriate \$12,000 to purchase new equipment and to meet such appropriation \$12,000 be raised by taxation.

Action taken 11/4/2013

##### **B.**

**VOTED unanimously** to raise and appropriate \$31,700 to purchase new equipment and to meet such appropriation \$31,700 be transferred from the Ambulance Receipts Reserved for Appropriation Account.

Action taken 11/4/2013

##### **C.**

**VOTED unanimously** to repurpose \$55,167 of funds originally appropriated under Article 19 of the 2013 Annual Town Meeting for the purchase of CPR assist devices and instead use such sum for the purchase of hydraulically assisted stretchers for the Fire Department ambulances.

Action taken 11/4/2013

#### **ARTICLE 8. Capital Program – Acceptance of State Grants (Finance Committee)**

##### **A.**

**VOTED unanimously** to: (1) authorize the Select Board and/or Conservation Commission to renovate, repair, rehabilitate, improve, and/or restore all or a portion of the land, structures and facilities on the parcels of land on State Street and Mill Street, identified on Assessors Map 2D as Parcel 8 and Assessors Map 5B as Parcels 16, 113, 129, 130, which land shall remain under the care, custody, management and control of the Conservation Commission under the provisions of G.L. c. 40, §8C; (2) to appropriate and transfer \$36,000, of which \$15,000 shall be transferred from Article 20 of the 2013 Annual Town Meeting, \$3,000 from the Puffer's Pond Gift Account, and any remaining balance shall be borrowed in accordance with G.L. c. 44, §§7, 8C and/or any other enabling authority, and to authorize the Treasurer, with the approval of the Select Board, to issue any bonds or notes that may be necessary for that purpose pursuant to G.L. c. 44, and/or any other enabling authority, for the purpose of renovating, repairing, rehabilitating, improving, and/or restoring said land and the structures and facilities thereon; and (3) to authorize the Select Board, the Town Manager, and/or the Conservation Commission, to file on behalf of the Town any and all applications and /or reimbursements from the Commonwealth of Massachusetts deemed necessary under the Land and Water Conservation Fund Act (P.L. 88-578, 78 Stat 897) and/or any other applications for funds, gifts, grants, under any federal and/or other state program, in any way connected with the scope of this article, and to enter into all agreements and execute any and all instruments as may be necessary or appropriate to effectuate such article.

Action taken 11/4/2013

##### **B.**

**VOTED by a declared two-thirds** to: (1) transfer the care, custody, and control of the parcel of land located at 95 Montague Road, which contains 1.0 acres, more or less, and is described in a deed recorded with the Hampshire Registry of Deeds in Book 1592, Page 158, from the board or officer

having custody thereof for the purposes for which it is currently held to the Town Manager for recreational purposes under the provisions of G.L. c. 45, § 14, as it may be amended, and other Massachusetts statutes related to recreation, to be managed and controlled by the Leisure Services and Supplemental Education (LSSE) Commission; (2) to appropriate and transfer \$200,000, of which \$60,000 shall be transferred from Article 24A of the 2013 Annual Town Meeting and the remaining balance shall be borrowed in accordance with G.L. c. 44, §§ 7, 8C and/or any other enabling authority, and to authorize the Treasurer, with the approval of the Select Board, to issue any bonds or notes that may be necessary for that purpose pursuant to G.L. c. 44, and/or any other enabling authority for the purpose of repairing, rehabilitating, improving, and/or restoring said land and the structures and facilities thereon, including, without limitation, the water line, sidewalks, public restrooms, fencing, pool, and the pool building; and (3) to authorize the Town Manager and/or the LSSE Commission to file on behalf of the Town any and all applications for grants and/or reimbursements from the Commonwealth of Massachusetts under the Urban Self-Help Act (PARC Act) (301 CMR 5.00) and/or others in any way connected with the scope of this article, and to enter into all agreements and execute any and all instruments including the conveyance of a perpetual restriction in accordance with M.G.L. Chapter 184 as required by Section 12(a) of Chapter 44B or Chapter 293 Section 10 of the Acts of 1998 as amended, as may be necessary on behalf of the Town to affect the foregoing. Said restriction may be granted to any organization qualified and willing to hold such a restriction.

Action taken 11/4/2013

#### **ARTICLE 9. Special Act – Abatement of Taxes (Select Board)**

**VOTED unanimously** to authorize the Select Board to petition the General Court for special legislation, as set forth below, to authorize the Board of Assessors to accept an abatement application from the Amherst Committee for a Better Chance, Inc., (“ABC House”); provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Select Board approves amendments to the bill before enactment by the General Court; and provided further that the Select Board is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition; or take any other action relative thereto.

AN ACT authorizing the late filing of a tax abatement application for the Amherst Committee for a Better Chance, Inc.

Section 1. Notwithstanding any general or special law to the contrary, the board of assessors of the Town of Amherst shall accept an application for abatement of property tax on behalf of the Amherst Committee for a Better Chance, Inc. for the tax year 2013. This application shall be considered timely if filed with the assessors within 90 days after the effective date of this act.

Section 2. This act shall take effect upon its passage.

Action taken 11/4/2013

#### **ARTICLE 10. Watershed Land Acquisition - Amherst (Select Board)**

**VOTED by a declared two-thirds** to (1) authorize the Select Board, in its capacity as the Board of Water Commissioners, to acquire by purchase, gift, or eminent domain, for water supply protection purposes, all or any portion of two parcels of land in the Town of Amherst, being identified as Parcels 39 and 21 on Amherst Assessors’ Map 3D, which portions shall contain twelve acres, more or less, (2) appropriate \$ 360,750 for acquisition of such land and costs related thereto, and, to meet such appropriation, transfer \$360,750 from the Water Fund Surplus; and (3) authorize the Select Board, the Town Manager, and/or such other boards as they deem appropriate, to file on behalf of the Town all applications under the Massachusetts Department of Environmental Protection Drinking Water Supply

Protection Grant Program and/or other applications for funds, gifts, grants, including grants of reimbursement under any federal and/or other state program, in any way connected with the scope of this acquisition, and to enter into all agreements and execute any and all instruments to effectuate the foregoing acquisition, provided that the Select Board is authorized to acquire these parcels only if, prior to acquisition, the Town has received a commitment for award of a Drinking Water Supply Protection Grant or other federal and/or state program, to defray at least fifty percent (50%) of the amount appropriated under this article, which may be defrayed by reimbursement to the Town following acquisition, or take any action relative thereto.

Action taken 11/4/2013

**ARTICLE 11. Community Preservation Act (Community Preservation Act Committee)  
DEFEATED Yes 72 No 90**

[To see if the Town will vote to: (a) authorize the Select Board to acquire by gift, purchase, and/or eminent domain, for open space purposes, all or a portion of two (2) parcels of land located off Belchertown Road, shown on Assessors Map 15C as Parcels 22 and 54 containing approximately 19.70 acres, and described in a deed recorded with the Hampshire County Registry of Deeds in Book 9423, Page 318, which land shall be under the care, custody, management and control of the Conservation Commission under the provisions of G.L. c. 40, §8C; (b) appropriate the sum of \$150,950 for the acquisition of said land and costs related thereto, of which \$41,785 shall be transferred from the Community Preservation Act Fund Balance and the remaining \$109,165 shall be borrowed in accordance with G.L. c. 44B, §11, and to authorize the Treasurer, with the approval of the Select Board, to issue any bonds or notes that may be necessary for that purpose pursuant to G.L. 44B, §11, G.L. c. 44, and/or any other enabling authority; (c) authorize the Select Board, the Town Manager, and/or the Conservation Commission, as they deem appropriate, to file on behalf of the Town any and all applications under the LAND Program (G.L. c. 132A, §11) and/or any other applications for funds, gifts, grants, under any federal and/or other state program, in any way connected with the scope of this acquisition, and to enter into all agreements and execute any and all instruments as may be necessary or appropriate to effectuate the foregoing acquisition; and, further, (d) authorize the Select Board and/or the Conservation Commission to convey a restriction on said land in accordance with G.L. c. 184, as required by G.L. c. 44B, §12(a). ]

Action taken 11/4/2013

**ARTICLE 12. Acquisition of Easements – Pomeroy Lane and West Street Intersection (Select Board)**

**VOTED unanimously** to authorize the Select Board to acquire, by gift, purchase and/or eminent domain, for public way purposes, temporary and permanent, for the construction of roadways and safety improvements at the Pomeroy Lane and West Street Intersection, and for all uses and purposes incidental thereto, which easements are shown on a plan entitled “Pomeroy Village Center Improvements” prepared by the Town, dated September 2013, which is on file in the office of the Town Clerk.

Action taken 11/4/2013

At 10:05 p.m. on Monday, November 4, 2013, town meeting voted to adjourn to Wednesday, November 6, 2013 at 7:00 p.m. in the auditorium of the Amherst Regional Middle School. 171 town meeting members were checked in.

The November 6, 2013 session was called to order by the Town Moderator, James Pistrang, at 7:06 p.m. 124 town meeting members were checked in

**ARTICLE 13. Zoning Amendment - Medical Marijuana Uses (Planning Board)**

**VOTED by a declared two-thirds** to amend Section 3.360, Medical Uses, and Article 12, of the Zoning Bylaw, as follows:

**B. Under Section 3.360, Medical Uses, add a new Section 3.360.4, as follows:**

**3.360.4 Registered Marijuana Dispensaries (RMDs)**

**3.360.40 Medical Marijuana Treatment Center (MMTC)**

R-O

R-LD	R-N	R-VC	R-G	R-N	B-G	B-L	B-VC	B-N	COM	OP	LI	PRP	FPC
N	N	N	N	N	SP	SP*	SP	N	SP	SP	SP	N	N

\*Allowed only in those B-L Districts which co-occur with the R&D overlay district. For other standards and conditions see Section 3.360.41.

See definition under Article 12.

**3.360.41 Off-Site Medical Marijuana Dispensary (OMMD)**

R-O

R-LD	R-N	R-VC	R-G	R-N	B-G	B-L	B-VC	B-N	COM	OP	LI	PRP	FPC
N	N	N	N	N	SP	SP	SP	N	SP	SP	SP	N	N

**Standards and Conditions**

See definition under Article 12.

1. Purposes. It is recognized that the nature of the substance cultivated, processed, and/or sold by medical marijuana treatment centers and off-site medical marijuana dispensaries may have objectionable operational characteristics and should be located in such a way as to ensure the health, safety, and general well-being of the public as well as patients seeking treatment. The specific and separate regulation of Registered Marijuana Dispensaries (RMDs) as Medical Marijuana Treatment Centers (MMTCs) and Off-site Medical Marijuana Dispensaries (OMMDs) facilities is necessary advance these purposes and ensure that such facilities are not located within close proximity of minors and do not become concentrated in any one area within the Town of Amherst.

Subject to the provisions of this Zoning Bylaw, Chapter 40A of the Massachusetts General Laws, and 105 CMR 725.000, MMTCs and OMMDs will be permitted to provide medical support, security, and physician oversight that meet or exceed state regulations as established by the Massachusetts Department of Health (DPH).

2. Application Requirements. Above and beyond the standard application requirements for Special Permits, an application for a use under this section shall include the following:
  - a) The name and address of each owner of the facility/operation;
  - b) Copies of all required RMD registrations issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the facility;
  - c) Evidence that the Applicant has site control and the right to use the site for a facility in the form

of a deed or valid purchase and sale agreement, or, in the case of a lease, a notarized statement from the property owner and a copy of the lease agreement;

- d) A notarized statement signed by the organization's Chief Executive Officer and corporate attorney disclosing all of its designated representatives, including officers and directors, shareholders, partners, members, managers, directors, officers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the Applicant must disclose the identity of all such responsible individual persons;
  - e) In addition to what is normally required in a site plan pursuant to Section 11.2, details showing all exterior proposed security measures for the premises, including lighting, fencing, gates and alarms, etc. ensuring the safety of employees and patrons and to protect the premises from theft or other criminal activity.
  - f) A Management Plan as required under the Rules and Regulations of the Special Permit Granting Authority, including a description of all activities to occur on site, including all provisions for the delivery of medical marijuana and related products to OMMDs or off-site direct delivery to patients.
  - g) A traffic impact report as set forth in the Rules and Regulations of the Special Permit Granting Authority shall be developed and submitted with the application.
3. Regulations. The following regulations shall apply to uses under this section:
- a. Use Regulations.
    - 1) Uses under this section may only be involved in the uses and activities permitted by its definition as limited by state law, and may not include other businesses or services in the same building.
    - 2) No marijuana shall be smoked, eaten or otherwise consumed or ingested on the premises.
    - 3) The hours of operation shall be set by the Special Permit Granting Authority, but in no event shall a facility be open to the public, nor shall any sale or other distribution of marijuana occur upon the premises or via delivery from the premises, between the hours of 8:00 p.m. and 8:00 a.m.
  - b. Locational and Physical Requirements
    - 1) All aspects of a MMTC or OMMD relative to the acquisition, cultivation, possession, processing, sales, distribution, dispensing, or administration of marijuana, products containing marijuana, related supplies, or educational materials must take place at a fixed location within a fully enclosed building and shall not be visible from the exterior of the business.
    - 2) No outside storage of marijuana, related supplies, or educational materials is permitted.
    - 3) No MMTC shall have a gross floor area in excess of 25,000 square feet.
    - 4) No OMMD facility shall have a gross floor area accessible to patients which is in excess of 2,500 square feet, except as may be permitted under 3., e., 1), c). Space in an OMMD facility which is dedicated to administration or operations and is accessible only to employees of the facility shall not be included in this limitation.
    - 5) Ventilation – all facilities shall be ventilated in such a manner that:
      - a) No pesticides, insecticides or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere; and
      - b) No odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the MMTC or OMMD facility or at any adjoining use or property.



- 6) A number of signs determined to be sufficient by the Special Permit Granting Authority shall be displayed on the exterior of the facility's entrance in plain sight of clients stating that "Registration Card Issued by the MA Department of Public Health Required" in text two inches in height.
- c. Reporting Requirements
- 1) All Special Permit holders for uses under this section shall provide the Police Department, Fire Department, Building Commissioner, Board of Health, and Special Permit Granting Authority with the names, phone numbers, mailing and email addresses of all management staff and key-holders, including a minimum of two (2) operators or managers of the facilities identified as designated contact persons to whom notice should be made if there are operating problems associated with any use under this section. All such contact information shall be updated as needed to keep it current and accurate.
  - 2) The designated contact persons shall notify the Police Department, Fire Department, Building Commissioner, Board of Health, and Special Permit Granting Authority in writing:
    - a) A minimum of thirty (30) days prior to any change in ownership or management of a facility regulated under this section, and
    - b) A minimum of twelve (12) hours following a violation, a potential violation, or any attempts to violate any applicable law, or any criminal, potential criminal, or attempted criminal activities at a facility regulated under this section.
  - 3) The designated representatives of permitted facilities shall file an annual report with the Special Permit Granting Authority and shall appear before said Authority to present the report no later than January 31<sup>st</sup> of each year, providing a copy of all current applicable state licenses for the owners and facilities, to demonstrate continued compliance with the conditions of the Special Permit.
  - 4) The designated contact persons shall be required to respond by phone or email within twenty-four (24) hours of the time of contact and inquiry regarding operation of the facility by a town official to the telephone number or email address provided as the contact for the business.
- d. Transfer/Discontinuance of Use
- 1) A Special Permit granted under this Section is non-transferable and shall have a term limited to the duration of the applicant's ownership of the premises as a MMTC or OMMD.
  - 2) Any MMTC or OMMD permitted under this section shall be required to remove all material, plants equipment and other paraphernalia in compliance with 105 CMR 725.105 (J), (O) prior to expiration of its DPH Registration or immediately following revocation or voiding of its DPH Registration.
- e. Prohibitions.
- 1) The building(s) in which the proposed uses occur shall not be located:
    - a) Within three hundred (300) feet of any building:
      - i. containing another MMTC or OMMD; or
      - ii. in which is located a public or private elementary school, middle school, secondary school, preparatory school, licensed daycare center, or any other facility in which children commonly congregate in an organized ongoing formal basis; or
      - iii. owned by and operated as part of the campus of any private or public institution of higher learning, or
      - iv. housing a public library; or
      - v. any residential use, excepting a mixed-use building under Section 3.325; or
    - b) Within, on the same lot as, or on a lot immediately adjacent to a licensed pharmacy; or
    - c) Within buildings that contain any pharmacy, medical doctor offices or the offices of any other professional practitioner authorized to prescribe the use of medical marijuana. An

exception shall be that the Special Permit Granting Authority may grant permission for palliative and therapeutic care uses in the same building in which an MMTC or OMMD is operated; or

- d) Within a building containing residential units, including transient housing or group housing such as hotels, motels, lodging houses, or dormitories.
  - 2) The proposed use shall not display:
    - c) Off-premises signage; or
    - d) On-premises signage or other marketing on the exterior of the building or in any manner visible from a public way, which, in the opinion of the Special Permit Granting Authority, may promote or encourage:
      - i. The use or abuse of marijuana or other drugs for non-medical purposes; or
      - ii. The use or abuse of marijuana or other drugs by minors; or
      - iii. The active marketing of marijuana or other drugs for medicinal purposes.
- An exception shall be that the Special Permit Granting Authority shall not prohibit signage which is required by the MA Department of Public Health.

- 4. Findings. In addition to the findings required under Section 10.38, and meeting the provisions of Articles 7, 8, and all other applicable sections of this Bylaw, the Special Permit Granting Authority shall find that the proposed use:
  - a. Meets a demonstrated need.
  - b. Meets all of the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will as proposed be in compliance with all applicable state laws and regulations.
  - c. Is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest.
  - d. Provides a secure indoor waiting area for patients.
  - e. Provides an adequate pick up/drop off area.
  - f. Provides adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals, and that the storage and/or location of cultivation of marijuana is adequately secured in enclosed, locked facilities.
  - g. Adequately addresses issues of vehicular and pedestrian traffic, circulation, parking and queuing, especially during peak periods at the facility, and adequately mitigates the impacts of vehicular and pedestrian traffic on neighboring uses.

**B. Add the following new definitions to Article 12, Definitions, in alphabetical order and re-enumerate the remaining existing sections accordingly:**

- 12.\_\_\_\_ Medical Marijuana Treatment Center (MMTC): A use operated by a not-for-profit entity registered and approved by the MA Department of Public Health in accordance with 105 CMR 725.000, and pursuant to all other applicable state laws and regulations, also to be known as a Registered Marijuana Dispensary (RMD), that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. An MMTC shall explicitly include facilities which cultivate and process medical marijuana, and which may also dispense and deliver medical marijuana and related products.
- 12.\_\_\_\_ Off-Site Medical Marijuana Dispensary (OMMD): A medical marijuana facility that is located off-site from any cultivation/processing facility that is controlled and operated by the same .

registered and approved non-profit entity which operates an affiliated MMTC but which serves only to dispense the processed marijuana, related supplies and educational materials to patients registered and qualified under the provisions of 105 CMR 725.00 or their personal caregivers.

Action taken 11/6/2013

**ARTICLE 14. Zoning Amendment - Affordable Duplexes (Planning Board)**

**VOTED by a declared two-thirds** to amend Section 3.321, Two Family Detached Dwelling (Duplex), of the Zoning Bylaw, by adding the following new Section 3.3212, as follows:

3.3212 Affordable Duplex

R-O

<u>R-LD</u>	<u>R-N</u>	<u>R-VC</u>	<u>R-G</u>	<u>R-F</u>	<u>B-G</u>	<u>B-L</u>	<u>B-VC</u>	<u>B-N</u>	<u>COM</u>	<u>OP</u>	<u>LI</u>	<u>PRP</u>	<u>FPC</u>
SPR	SPR	SPR	SPR	N	N	N	N	SPR	N	N	N	N	N
(SP)	(SP)												

Standards & Conditions

An affordable duplex shall be defined as a two family detached dwelling in which at least one (1) unit shall be affordable in perpetuity or to the greatest extent allowed by law, and eligible to be counted on the Commonwealth's 40B Subsidized Housing Inventory (SHI) under the provisions of 760 CMR 50.03 (2) (a) and (b) as amended. Affordable units as described above need not be owner-occupied.

Action taken on 11/6/2013

**ARTICLE 15. Zoning Amendment - Fraternity Residence (R-F) Dimensions (Planning Board)**

**VOTED Yes 112 No 51** to amend Table 3, Dimensional Regulations, by deleting the lined out dimensions and adding the dimensions in ***bold italics***:

**R-F**

	<u>Existing</u>	<u>Proposed</u>	
Basic Minimum Lot Area (sq. ft.) <sup>h</sup>	40,000	<b><i>20,000</i></b>	[For information only] [same as R-N]
Additional Lot Area/Family (sq. ft.)	-----	-----	
Basic Minimum Lot Frontage (ft.)	150	<b><i>100</i></b>	[same as R-G]
Basic Minimum Front Setback (ft.) <sup>a</sup>	25	<b><i>20</i></b>	[same as R-N]
Basic Minimum Side and Rear Yards (ft.) <sup>g</sup>	20	<b><i>10</i></b>	[same as R-G]
Maximum Building Coverage (%)	20 <sup>a</sup>	<b><i>45<sup>a</sup></i></b>	[same as R-F for <u>lot</u> coverage]
Maximum Lot Coverage (%) <sup>o</sup>	45 <sup>a</sup>	<b><i>65<sup>a</sup></i></b>	[same as B-N]
Maximum Floors <sup>a</sup>	3	<b><i>5</i></b>	[same as B-G]
Maximum Height (ft.) <sup>n</sup>	40 <sup>a</sup>	<b><i>55<sup>a</sup></i></b>	[same as B-G]

\*\*\*\*\*

[Included for informational purposes only]

- a. Requirement may be modified under a Special Permit, issued by the Special Permit Granting Authority authorized to act under the applicable section of this bylaw. In applying the criteria established in Section 10.395, the Special Permit Granting Authority shall consider the proposed modified dimensional requirement in the context of the pattern(s) of the same dimensions established by existing buildings and landscape features in the surrounding neighborhood.

Action taken 11/6/2013

**ARTICLE 16. Zoning Amendment – Permit Granting Bodies and Signs (Planning Board)**  
**VOTED by a declared two-thirds** to amend Section 7.9 and Article 8 by deleting the lined out language and adding the language in ***bold italics***, as follows:

**A. Amend Section 7.90, as follows:**

**SECTION 7.9 WAIVERS**

- 7.90 Any section or subsection of Article 7.0, Parking Regulations, may be waived or modified by the ~~pPermit gGranting bBoard~~ or ***Special Permit Granting Authority authorized to act under the applicable section of the Bylaw*** for compelling reasons of safety, aesthetics, or site design.
- 7.91 Parking space requirements under Section 7.0 may be modified when one or more of the following conditions are met to the satisfaction of the ***Permit Granting Board or Special*** ~~pPermit gGranting aAuthority~~:
- 7.910 Peak parking needs generated by on-site uses occur at different times.
- 7.911 A significant number of employees, tenants, patrons or other parking users of the site are common to and shared by more than one use on the site.
- 7.912 A parking management plan approved by the ***Permit Granting Board or Special*** ~~pPermit gGranting aAuthority~~ is implemented with occupancy of the building or buildings. Said plan shall include the implementation of such measures as car and van pooling, bicycling and public transit use sufficient to reduce the need for parking. ~~The permit granting authority may require pPeriodic documentation of reductions in vehicle trips and parking utilization as a result of the parking management plan~~ ***may be required as a condition of any permit granted under this section.***

**B. Amend Section 8.41, as follows:**

- 8.41 ~~An off-site~~ directional or identification sign may be erected and maintained in any district where the ~~Board of Appeals~~ ***Permit Granting Board or Special Permit Granting Authority authorized to act under the applicable section of the Bylaw for the use(s) associated with the sign(s) acting under Section 10.3***, finds that such signs will serve the public convenience, will not endanger the public safety, and will be of such size, location, and design as will not be detrimental to the neighborhood. ***Where an off-site directional or identification sign serves a geographic destination but not a specific land use, a Special Permit from the Zoning Board of Appeals shall be required.***

**C. Add a new Section 8.5, Modifications & Waivers, as follows:**

**SECTION 8.5 MODIFICATION & WAIVERS**

***Any section or subsection of Article 8, Sign Regulations, may be waived or modified by the Permit Granting Board or Special Permit Granting Authority authorized to act under the applicable section of the Bylaw for compelling reasons of public convenience, public safety, aesthetics, or site design.***

Action taken 11/6/2013

(Article was divided at the request of a Town Meeting Member. Town Meeting members considered Part A, and Part B and C separately.)

**ARTICLE 17. Zoning Amendment – Dimensional Interpretation (Planning Board)**

**VOTED by a declared two-thirds** to amend Section 6.1 of the Zoning Bylaw, by deleting the lined out language, adding the language in ***bold italics***, and reorganizing and re-enumerating the affected sections, as follows:

**SECTION 6.1 INTERPRETATION**

The following explanation shall apply to the column headings in Table 3.

**6.10     *Lot Area Requirements***

- 6.100**    Basic Minimum Lot Area - Except as herein specified, no dwelling or other principal building shall be constructed or used on a lot having less than the prescribed basic minimum lot area in square feet.
- 6.101**    Cluster Minimum Lot Area - No dwelling or other principal building in a Cluster Development shall be constructed or used on a lot having less than the prescribed cluster minimum lot area, in square feet.
- 6.102**    Additional Lot Area Per Family - No dwelling for use by more than one family shall be constructed, converted, or occupied unless the lot contains at least the basic minimum area plus the prescribed additional area per family for each family in excess of one.

**6.11     Standard Lot Frontage and Cluster Lot Frontage**

- 6.110**    Except as herein specified, no dwelling or other principal building shall be constructed or used on a lot having less frontage on a street than the prescribed minimum standard lot frontage, or cluster lot frontage in cluster development.
- 6.111**    Such frontage shall be measured along a continuous street right-of-way line on which the lot abuts, except that the frontage of lots on the convex side of a curve in a street may be taken as the straight distance between the points on the side lot lines intersected by the prescribed minimum setback line. In the case of lots which have more than one-half of their frontage along the curve of a permanent turnaround (at the end of a dead end street) or of a similar curved street segment serving no more than six (6) dwelling structures, said straight distance between the points on the side lot lines need not exceed seventy (70) percent of the prescribed minimum. On corner lots, where the included angle is less than 135 degrees, either street may be considered as the frontage street, but not both together. This requirement shall not apply to dwellings in a Planned Unit Residential Development.
- 6.112**    In the General Business (B-G), Limited Business (B-L), Commercial (COM), Village Center Business (B-VC) and Neighborhood Business (B-N) districts, frontage requirements apply to Residence Uses only (Section 3.32).

## 6.12 Minimum or Maximum Front Setback

- 6.120** The minimum front setback shall be determined by a line parallel to the street right-of-way line extending from one side lot line to the other. No part of *the body of any building, except eaves, gutters, architectural elements, and uncovered steps*, and no accessory structure (other than a sign) having a height of more than four (4) feet shall be placed within or protrude into the area between the setback line and the street line. In the case of corner lots, the setback line shall be observed for all bordering streets.
- 6.121** In the General Business (B-G) District, the 20 foot minimum front setback applies only to a part of a building which is within 200 feet of the side boundary of a Residence District abutting on the same street within the same block; otherwise, no setback is required.

## 6.13 Minimum Side Yard

- 6.130** The minimum side yard shall be the area between the side lot line and the side yard setback line, extending from the front yard to the rear lot line. *No part of the body of any building or accessory structure, except eaves, gutters, architectural elements, and uncovered steps, shall be placed within or protrude into the area between the side lot line and the side yard setback line.* An accessory structure may be located within the minimum side yard only if it is located behind the front building line.
- 6.131** An accessory structure having a height of six feet or less shall be set back a minimum of three feet from the side lot line. An accessory structure over six feet in height shall be setback a distance equal to its height.
- 6.132** In the General Business (B-G) and Light Industrial (LI) districts, minimum side yards shall be at least 20 feet when adjoining a residence district. Otherwise, side yards are not required, but if provided, shall be at least ten feet. In the General Residence (R-G) District, a single-story garage, tool shed, gazebo or similar accessory structure may, under a Special Permit, be located within the side yard behind the front line of the principal building if such use, location, and proposed dimensions are consistent with the prevailing pattern of existing development for such structures in the neighborhood.
- 6.133** For towers or other structures associated with commercial and public wireless communications uses, the provisions of Section 3.340.2 shall apply and prevail.

## 6.14 Minimum Rear Yard

- 6.140** The minimum rear yard shall be a similar unbroken area along the rear lot line, subject to the same provision regarding accessory buildings and structures as the rear portion of the required side yard. *No part of the body of any building or accessory structure, except eaves, gutters, architectural elements, and uncovered steps, shall be placed within or protrude into the area between the rear lot line and the rear yard setback line.*

**6.141** In the General Business (B-G) and Light Industrial (LI) districts, minimum rear yards shall be at least 20 feet when adjoining a residence district. Otherwise, rear yards are not required, but if provided, shall be at least 10 feet. For towers or other structures associated with commercial and public wireless communications uses, the provisions of Section 3.340.2 shall apply and prevail.

**6.15** Maximum Building Coverage

**6.150** Maximum building coverage shall be computed as the percentage of the total lot area which may be covered by all principal and accessory buildings and structures. For the purposes of the subsection, a portion of a lot shall be considered as being covered by a structure if it is enclosed on at least three sides by a wall or other substantially sight-impervious fence more than six feet high (whether or not having a roof), or if it has any part of any structure above it in a vertical line.

**6.151** In the case of a Cluster Development as defined in Section 4.3, building coverage shall be calculated as the percentage of the total area of the development which may be covered by all principal and accessory buildings and structures.

**6.16** Maximum Lot Coverage

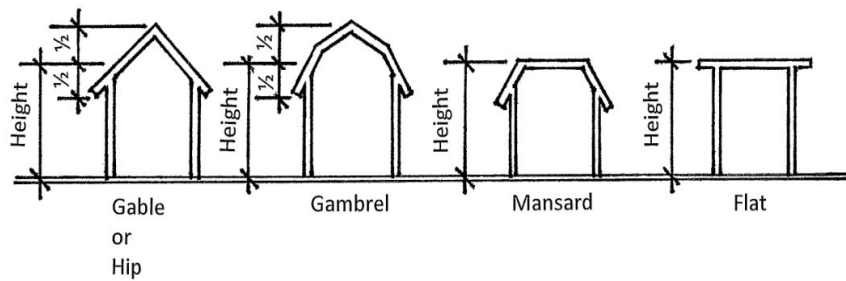
**6.160** Maximum lot coverage shall include the percentage of a lot covered in the manner described in Section 6.17, Maximum Building Coverage, plus that portion of a lot covered by driveways, parking areas, walkways, tennis courts, swimming pools or other similar surfaces.

**6.161** For the purposes of this Bylaw, all such surfaces, whether constructed of impermeable materials (i.e., concrete, bituminous asphalt, oil and stone and the like) or constructed of permeable materials (i.e., gravel, peastone and the like) shall be included in the calculation of maximum lot coverage.

**6.162** In the Watershed Protection (WP) overlay district, no use of land shall result in the rendering impermeable of more than 15% of the total area of any lot, or more than 20% with artificial recharge, or a total of 2,500 square feet, whichever is greater.

**6.17** Minimum and Maximum Height

**6.170** In all districts, the minimum or maximum height of a building shall be measured as the vertical distance from the average finished grade on the street side of the structure to the highest point of the roof for flats roofs, to the deck line for mansard roofs, and to the average height (midpoint) between the highest eaves and ridge of the main body of the roof for gable, hip, shed, saltbox, and gambrel roofs, or combinations thereof.



Section 6.19 – Building Height

**6.171** In the B-G, B-L, B-VC, B-N, COM, and R-VC districts, the maximum height of buildings may be modified under a Special Permit granted by the Special Permit Granting Authority authorized to act under the provisions of this bylaw for compelling reasons of building function, utility, or design, including but not limited to allowing construction of the full number of maximum floors under difficult site conditions such as steep grades, or with a pitched roof design, or similar conditions. In granting any such modification, the Special Permit Granting Authority shall consider the patterns of height and roof styles established by existing buildings, structures, and landscape features in the surrounding area, and provided that in no case shall the height of any exterior face of a building exceed the permitted height by more than ten (10) feet.

**6.172** Height limitations shall not apply to chimneys, spires, cupolas, TV antennae and other parts of buildings or structures not intended for human occupancy. Towers, antennae, panels, dishes and other such structures attached to a building in association with commercial and public wireless communication uses shall not exceed the maximum height of said building, as above defined, by more than ten feet. Related electronic equipment and equipment structures shall not exceed the maximum height. For towers and other such free-standing structures associated with wireless communications uses, the provisions of Section 3.340.2 shall apply and prevail.

## **6.18 Minimum or Maximum Floors**

**6.180** *A floor or story in a residential or non-residential building shall be considered to be that portion of a building, other than a half-story in a top floor (attic) or basement, between any floor and the ceiling or roof next above it, as measured under the Massachusetts Building Code.*

**6.181** *A half-story in a top floor shall be a lawful habitable space with required means of access and egress and in which a minimum seven (7) foot floor-to-ceiling height exists in at least half of the habitable floor area but no less than one-third of the habitable floor area of the full story below.*



**6.182** *A basement half story shall be any lawful habitable space with required means of access and egress and in which a minimum seven (7) foot floor-to-ceiling height exists in at least half of the habitable floor area but no less than one-third of the habitable floor area of the full story above, and where more than half of the habitable space is located above the average finished grade of the exterior of the building.*

Action taken 11/6/2013

**ARTICLE 18. Zoning Amendment – Uses Allowed in Mixed-Use Buildings (Planning Board)**  
**VOTED by a declared two-thirds** to amend Section 3.325 of the Zoning Bylaw by deleting the lined out language and add the language in ***bold italics***, as follows:

3.325 ~~Mixed-use B building containing dwelling units in combination with stores or other permitted business or commercial uses~~

Standards & Conditions

***A mixed-use building shall be a building containing dwelling unit(s) in combination with permitted retail, business, institutional, government, public service, consumer service, office or similar principal use(s) and lawful accessory use(s).***

A management plan, as defined in terms of form and content in the Rules and Regulations adopted by the Permit Granting Authority shall be included as an integral part of any application made under this section. In those Limited Business (B-L) Districts not abutting the B-G District, and in the Commercial (COM) District, a Special Permit from the Special Permit Granting Authority authorized to act under this section of the bylaw shall be required wherever proposed residential uses above the first floor exceed ten (10) dwelling units. The proposed use shall meet the criteria of Section 10.38 or Section 11.24, as applicable, with respect to the site and potential conflicts between the residential and commercial use(s).

In the Commercial (COM) District, no dwelling units, nor any internal space associated with a dwelling unit shall occupy any first floor portion of a building facing onto a street, public plaza, or other space customarily used by the public. First floor residential dwelling units and any required entries thereto, shall be located on the rear of buildings, adjacent to any required parking and private open space associated with and serving those units. No more than forty percent (40%) of the first floor Gross Floor Area (GFA) shall be used for residential purposes, which shall include not more than fifteen percent (15%) of said GFA associated with or incidental to, whether for storage, required entries, stair/elevator towers, or other purposes, any residential uses on upper floors.

Action taken 11/6/2013

**ARTICLE 19. Petition – Zoning Amendment –Uses Allowed in Mixed-Use Buildings (Perot et al)**  
**DEFEATED**

[To see if the Town will amend section 3.325 of the Zoning Bylaw by deleting the lined out language and adding the language in ***bold italics***, as follows:

3.325 ~~Mixed Use building containing dwelling units in combination with stores or other permitted business or commercial use.~~

## Standards & conditions

***A mixed-use building shall be a building containing one or more dwelling units in combination with retail stores, or other commercial, permitted business, or similar use(s).***

A management plan, as defined in terms of form and content in the Rules and Regulations adopted by the Permit Granting Authority shall be included as an integral part of any application made under this section. In those Limited Business (B-L) Districts not abutting the B-G District, ~~and in the Commercial (COM) District~~, a Special Permit from the Special Permit Granting Authority authorized to act under this section of the bylaw shall be required wherever proposed residential uses above the first floor exceed ten (10) dwelling units. ***In the Commercial (COM) District, a mixed-use building abutting the Residence Neighborhood (R-N) or the Professional Research Park (PRP), a Special Permit from the Special Permit Granting Authority authorized to act under this section shall be required whenever proposed residential uses exceed six (6) dwelling units.*** The proposed use shall meet the criteria of Section 10.38 or Section 11.24, as applicable, with respect to the site and potential conflicts between the residential and commercial use(s).

In the Commercial (COM) District, no dwelling units, nor any internal space associated with a dwelling unit shall occupy any first floor portion of a building facing onto a street, public plaza, or other space customarily used by the public. First floor residential dwelling units and any required entries thereto, shall be located in the rear of buildings, adjacent to any required parking and private open space associated with and serving those units. No more than forty percent (40%) of the first floor Gross Floor Area (GFA) shall be used for residential purposes, which shall include not more than fifteen percent (15%) of said GFA associated with or incidental to, whether for storage, required entries, stair/elevator towers, or other purposes, any residential uses on upper floors.]

Action taken 11/6/2013

### **ARTICLE 20. Petition – Resolution - Divestment of Funds from Fossil Fuel Companies (Alice Swift et al)**

#### **VOTED the following resolution:**

WHEREAS, Global warming, caused primarily by the burning of fossil fuels, is a serious threat to current and future generations in Amherst and around the world; and

WHEREAS, Global warming is already causing costly disruption of human and natural systems both in Amherst and throughout the world including the increase in extreme weather leading to power failures, flooding, drought, food and water shortages, property damage and death; the severe acidification of oceans; and the rapid melting of Arctic ice and rise in sea levels causing devastation of coastal areas; and

WHEREAS, The effects of global warming will further intensify with increased temperatures such that almost every government in the world (including the United States) has agreed through the 2009 Copenhagen Accord that any warming above a 2°C (3.6°F) rise would be unsafe for human habitation; and

WHEREAS, For the purposes of this resolution, a “fossil fuel company” shall be defined as any of the two hundred publicly-traded companies with the largest coal, oil, and gas reserves as measured by the gigatons of carbon dioxide that would be emitted if those reserves were extracted and burned, as listed in the Carbon Tracker Initiative’s “Unburnable Carbon” report; and

WHEREAS, At least two-thirds of existing fossil fuel reserves will have to remain underground - unburnable and worthless - resulting in a "carbon bubble" if the world is to meet existing internationally agreed targets to avoid the threshold for "dangerous" climate change; and

WHEREAS, There is a national movement underway to divest from fossil fuel companies as both a moral action and a means of weakening the fossil fuel industry politically, with (so far) 11 U.S. municipalities including Seattle and San Francisco resolving to divest their portfolios of fossil fuel companies and hundreds of religious and higher learning institutions considering divestment from fossil fuel companies; and

WHEREAS, The Town of Amherst has a moral duty to protect the lives and livelihoods of its inhabitants from the threat of global warming and believes that its investments should support a future where citizens can live healthy lives without the catastrophic impacts of a warming environment; and

WHEREAS, Leadership is critical to build national momentum for the movement to divest from fossil fuel companies; and

WHEREAS, Amherst is showing leadership in sustainability, having articulated and demonstrated this leadership in various ways, such as Sustainable Amherst, hiring a Sustainability Coordinator, and the designation as a Massachusetts Green Community.

THEREFORE, BE IT RESOLVED, That Amherst Town Meeting urges the Hampshire County Retirement Board and the Town Treasurer to review their investment portfolios in order to identify any holdings that include direct or indirect investments in fossil fuel companies; and, be it

FURTHER RESOLVED, That Amherst Town Meeting urges the Hampshire County Retirement Board and the Town Treasurer to adopt policies precluding any new investments in fossil fuel companies or indirect investments that include holdings in fossil fuel companies; and, be it

FURTHER RESOLVED, That Amherst Town Meeting urges the Hampshire County Retirement Board and the Town Treasurer to release yearly updates, available to the public, detailing progress made towards full divestment; and be it

FURTHER RESOLVED, That Amherst Town Meeting endorses proposed state legislation requiring divestment of statewide retirement funds {Pension Reserves Investment Trust (PRIT)} from fossil fuel companies, and precluding such investment in the future; and directs that this resolution and letters of support for divestment legislation be sent to elected officials including Senator Rosenberg, Representative Story, Governor Patrick, and Steven Grossman, Treasurer of the Commonwealth.  
Action taken 11/6/2013

The business of the warrant having been completed, Town Meeting voted to dissolve at 10:08 p.m. 173 town meeting members were checked in.

Attest:  
Sandra J. Burgess

**WARRANT**  
**Special Town Meeting**  
**March 19, 2014**

Hampshire, ss.

To one of the Constables of the Town of Amherst, in said county, Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify the registered voters of the Town of Amherst of the Special Town Meeting to be held in the Auditorium of the Amherst Regional Middle School in said Amherst at seven o'clock p.m. on Wednesday, the 19<sup>th</sup> day of March, two thousand and fourteen, when the following articles will be acted upon by town meeting members:

**ARTICLE 1. Petition – Special Act – Minimum Wage (Cunningham-Cook, et al)**

To see if the Town will vote to petition the General Court, in compliance with clause (1), Section 8 of Article LXXXIX of the Amendments of the Constitution, to the end that legislation be adopted precisely as follows. The General Court may make clerical or editorial changes of form only to the bill.

“An act allowing the Town of Amherst to mandate employers compensate their employees at a rate of no less than \$15.00 per hour.”

Be it enacted by the Senate and House of Representatives in the General Court assembled, and by authority of the same, as follows:

Section 1. Notwithstanding any general or special law to the contrary, the Town of Amherst may regulate wages paid by employers within Town Limits, including but necessarily limited to establishing a minimum wage of \$ 15 per hour.

Section 2. The Town of Amherst may adopt reasonable policies for enforcement, including fines up to \$500 per day per employee for noncompliance.

Section 3. This act shall take effect upon its passage.

You are hereby directed to serve this call by posting attested copies thereof at the usual places:

Prec. 1 North Amherst Post Office	Prec. 6	Fort River School
Prec. 2 North Fire Station	Prec. 7	Crocker Farm School
Prec. 3 Immanuel Lutheran Church	Prec. 8	Munson Memorial Library
Prec. 4 Amherst Post Office	Prec. 9	Wildwood School
Prec. 5 Town Hall	Prec. 10	Campus Center, UMass

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said meeting.

Given under our hands on this 3<sup>rd</sup> day of March, 2014

Stephanie J. O’Keeffe  
Dianna B. Stein  
Alisa V. Brewer  
James J. Wald  
Aaron A. Hayden  
Select Board

March 4, 2014

Hampshire, ss.

In obedience to the within warrant, I have this day as directed posted true and attested copies thereof at the above designated places, to wit:

Jennifer A. Reynolds  
Constable, Town of Amherst

**RESULTS  
SPECIAL TOWN MEETING  
March 19, 2014**

The meeting was televised by Amherst Community Television and shown on the Government Channel. The Special Town Meeting was called to order by the Moderator, James W. Pistrang at 7:12 p.m. There were 243 town meeting members. 122 checked in and a quorum was declared. The call and return of the warrant was read by Town Clerk, Sandra J. Burgess.

**ARTICLE 1. Special Act – Minimum Wage (Cunningham-Cook, et al)  
VOTED TO DISMISS**

[To see if the Town will vote to petition the General Court, in compliance with clause (1), Section 8 of Article LXXXIX of the Amendments of the Constitution, to the end that legislation be adopted precisely as follows. The General Court may make clerical or editorial changes of form only to the bill.

“An act allowing the Town of Amherst to mandate employers of more than 50 employees compensate their employees at a rate of no less than \$15.00 per hour.”

Be it enacted by the Senate and House of Representatives in the General Court assembled, and by authority of the same, as follows:

Section 1. Notwithstanding any general or special law to the contrary, the Town of Amherst may regulate wages paid by employers of more than 50 employees within Town Limits, including but not necessarily limited to establishing a minimum wage of \$15 per hour.

Section 2. The Town of Amherst may adopt reasonable policies for enforcement, including fines up to \$500 per day per employee for noncompliance.

Section 3. This act shall take effect upon its passage.

The business of the warrant having been completed, the meeting voted to dissolve at 7:50 p.m. on March 19, 2014. 153 town meeting members were checked in.

Attest:  
Sandra J. Burgess  
Town Clerk

**WARRANT  
ANNUAL TOWN ELECTION  
MARCH 25, 2014**

Hampshire, ss.

To one of the Constables of the Town of Amherst

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Amherst who are qualified to vote in Elections to vote at:

Prec. 1	North Zion Church Hall	Prec. 6	Fort River School
Prec. 2	North Fire Station	Prec. 7	Crocker Farm School
Prec. 3	Immanuel Lutheran Church	Prec. 8	Munson Memorial Library
Prec. 4	Large Activity Room, Bangs Community Center	Prec. 9	Wildwood School
Prec. 5	Large Activity Room, Bangs Community Center	Prec. 10	Glass Room, Bangs Community Center

on Tuesday, the 25th day of March 2014, from 7:00 a.m. to 8:00 p.m. for the following purpose: To cast their votes in the Annual Town Election for the candidates for the following offices:

Moderator, one for one year; Select Board, two for three years; School Committee, one for three years; Elector, Oliver Smith Will, one for one year; Jones Library Trustee, two for three years; Housing Authority, one for five years; Amherst Redevelopment Authority, one for five years; Town Meeting Members: Precinct 1, eight for three years; Precinct 1, one for two years; Precinct 2, eight for three years; Precinct 2, one for one year; Precinct 3, eight for three years; Precinct 3, three for two years; Precinct 4, eight for three years; Precinct 4, one for two years; Precinct 4, one for one year; Precinct 5, eight for three years; Precinct 5, two for two years; Precinct 5, one for one year; Precinct 6, eight for three years; Precinct 6, one for one year; Precinct 7, eight for three years; Precinct 7, one for two years; Precinct 8, eight for three years; Precinct 9, eight for three years; Precinct 9, one for one year; Precinct 10, eight for three years.

The polls will be open from 7:00 a.m. to 8:00 p.m.

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this 24th day of February, 2014.

Stephanie J. O'Keeffe  
James J. Wald  
Diana B. Stein  
Alisa V. Brewer  
Aaron A. Hayden  
Select Board, Town of Amherst

February 28, 2014

Hampshire, ss.

In obedience to the within Warrant, I have this day as directed posted true and attested copies thereof at the following designated places, to wit:

Prec. 1 North Amherst Post Office	Prec. 6 Fort River School
Prec. 2 North Fire Station	Prec. 7 Crocker Farm School
Prec. 3 Immanuel Lutheran Church	Prec. 8 Munson Memorial Library
Prec. 4 Amherst Post Office	Prec. 9 Wildwood School
Prec. 5 Town Hall	Prec. 10 Campus Center, UMass

Jennifer A. Reynolds  
Constable, Town of Amherst

### RESULTS ANNUAL TOWN ELECTION March 25, 2014

In accordance with the Warrant, the polls were opened at 7:00 a.m. and closed at 8:00 p.m. The voters cast their ballots in their respective precincts. The results were as follows:

<b>MODERATOR</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>TOTAL</b>
James Pistrang	131	271	85	83	140	272	241	327	236	95	<b>1881</b>
@Gerald Weiss	1	0	1	2	1	1	4	9	0	1	<b>20</b>
All Others	5	0	0	1	0	1	1	2	0	1	<b>11</b>
Blank	74	101	13	23	59	106	113	149	78	40	<b>756</b>
<b>TOTAL</b>	<b>211</b>	<b>372</b>	<b>99</b>	<b>109</b>	<b>200</b>	<b>380</b>	<b>359</b>	<b>487</b>	<b>314</b>	<b>137</b>	<b>2668</b>
<b>SELECT BOARD</b>											
Andrew J. Steinberg	132	306	84	79	121	255	221	328	235	85	<b>1846</b>
Helen Louise Berg	37	87	11	9	34	62	51	42	30	16	<b>379</b>
John A. Boothroyd	27	22	5	7	21	40	50	60	18	9	<b>259</b>
Constance E. Kruger	102	224	74	72	122	240	221	347	226	74	<b>1702</b>
@Gerald Weiss	8	0	0	0	3	1	0	0	2	4	<b>18</b>
@James Oldham											
Burgess	9	1	0	2	8	2	6	6	3	9	<b>46</b>
@Vincent O'Connor	3	1	0	0	1	1	0	1	1	1	<b>9</b>
@Janet Keller	0	0	0	1	0	0	3	4	0	0	<b>8</b>
All Others	0	0	0	1	2	1	2	3	0	0	<b>9</b>
Blank	104	103	24	47	88	158	164	183	113	76	<b>1060</b>
<b>TOTAL</b>	<b>422</b>	<b>744</b>	<b>198</b>	<b>218</b>	<b>400</b>	<b>760</b>	<b>718</b>	<b>974</b>	<b>628</b>	<b>274</b>	<b>5336</b>
<b>SCHOOL COMMITTEE</b>											
Katherine G. Appy	87	222	75	68	101	216	188	316	196	65	<b>1534</b>
Viraphanh Douangmany	101	128	20	35	90	151	158	157	107	67	<b>1014</b>
All Others	0	0	0	0	0	0	1	3	2	1	<b>7</b>
Blank	23	22	4	6	9	13	12	11	9	4	<b>113</b>
<b>TOTAL</b>	<b>211</b>	<b>372</b>	<b>99</b>	<b>109</b>	<b>200</b>	<b>380</b>	<b>359</b>	<b>487</b>	<b>314</b>	<b>137</b>	<b>2668</b>
<b>JONES LIBRARY TRUSTEE</b>											
Christopher J. Hoffmann	103	206	72	73	116	219	210	260	176	79	<b>1514</b>
Michael Wolff	114	206	77	72	119	227	193	299	197	83	<b>1587</b>
@Patricia Holland	1	0	1	0	1	0	2	1	0	0	<b>6</b>
@Merrylees Turner	1	0	1	0	1	0	2	0	0	0	<b>5</b>
All Others	2	0	2	1	3	1	0	9	2	0	<b>20</b>

Blank	201	332	45	72	160	313	311	405	253	112	<b>2204</b>
<b>TOTAL</b>	<b>422</b>	<b>744</b>	<b>198</b>	<b>218</b>	<b>400</b>	<b>760</b>	<b>718</b>	<b>974</b>	<b>628</b>	<b>274</b>	<b>5336</b>

#### HOUSING AUTHORITY

Peter W. Jessop	112	174	57	74	97	193	165	271	177	52	<b>1372</b>
Tracylee S G Boutilier	77	144	26	19	82	139	137	112	102	68	<b>906</b>
All Others	0	0	0	0	0	0	1	0	0	0	<b>1</b>
Blank	22	54	16	16	21	48	56	104	35	17	<b>389</b>
<b>TOTAL</b>	<b>211</b>	<b>372</b>	<b>99</b>	<b>109</b>	<b>200</b>	<b>380</b>	<b>359</b>	<b>487</b>	<b>314</b>	<b>137</b>	<b>2668</b>

#### REDEVELOPMENT AUTHORITY

Pamela S. Rooney	55	121	40	54	69	160	115	186	175	26	<b>1001</b>
L. Paige Wilder	93	147	28	34	87	116	109	116	86	89	<b>905</b>
All Others	1	0	0	0	0	0	1	0	0	0	<b>2</b>
Blank	62	104	31	21	44	104	134	185	53	22	<b>760</b>
<b>TOTAL</b>	<b>211</b>	<b>372</b>	<b>99</b>	<b>109</b>	<b>200</b>	<b>380</b>	<b>359</b>	<b>487</b>	<b>314</b>	<b>137</b>	<b>2668</b>

#### ELECTOR, OLIVER SMITH WILL

John W. Coull	123	236	76	80	119	244	213	306	224	83	1704
All Others	2	0	1	0	2	0	1	4	1	2	13
Blanks	86	136	22	29	79	136	145	177	89	52	951
<b>TOTAL</b>	<b>211</b>	<b>372</b>	<b>99</b>	<b>109</b>	<b>200</b>	<b>380</b>	<b>359</b>	<b>487</b>	<b>314</b>	<b>137</b>	<b>2668</b>

#### Precinct I, three years (8)

*Terence J. Franklin	53	Sarah E. Swartz	93
*Matthew E. Cunningham-Cook	76	Melissa H. Perot	95
*David Kenneth Webber	44	*Steven D. Brewer	60
Stephen J. King	98	*Ryan A. Teixeira	19
Margaret E. Gage	131	Jonathan Holland Lieber	82
*Christian Wes Rodrick	22	Nonny Burack	85
*Savannah V Van Leuvan-Smith	50	*Michael R. Martin	16
Philip W. Gosselin	90	Paola Distefano	92

#### Precinct 1, two years (1)

*Lawrence Francis	14
Quigley III	
*Richard Nicolas Calderone	15
Muthoni C. Magua	71
*Nicholas K. Bromell	31

#### Precinct II, three years (8)

*Richard Gold	69	Jean A. Schwartz	129
*Matthew H. Charity	118	William J. Mullin	181
*Cyrus E. Cox	125	*Adrienne Levine	113
Megan D. Rosa	129	Robert C. Biagi	181
*Michael G. Turner	43	Edith Nye MacMullen	214
Michael Birtwistle	167	Ira S. Addes	168
Nolan Anaya	129		

#### Precinct II, one year (1)

Kenneth L. Hargreaves	215
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#### Precinct III, three years (8)

Marcy A. Sala	69	@John Ingram	4
Kathleen M. Carroll	64	@Patricia O'Brien	4
Robert B. Kusner	61	@Patricia McPeak-	3
@Ana Maria Paul	5	LaRoca	1
		@^Philip Hart Helzer	

#### Precinct III, one year (1)

Ethan D. Clotfelter	67
Fletcher Clark	62
Pietro C. Tarone	58

Five three year vacancies remained following the election. Five people received sufficient number of write-in votes to be elected to the five remaining vacancies. Ana Maria Paul received five write-in votes and accepted her election; John Ingram and Patricia O'Brien received four votes each and they accepted election. Two people who received four write-in votes declined. Gabriel Schmitt resigned from Precinct 3 following the election leaving a vacancy available by Section 1.541 which reads, in part

"In the event of a vacancy in the full membership of town meeting following the annual town election . . . such vacancy shall be filled by the losing candidate at the same election with the largest number of votes . . . who shall serve only until the next annual town election." When the two people who received 4 write-in votes declined election, these remaining two vacancies were deemed to be available under Section 1.541. Patricia McPeak-LaRoca who received 3 write-in votes accepted election under 1.541 until the next annual town election. The next highest vote getter received two write-in votes but did not accept election.



*Fletcher Clark resigned following the election leaving 3 vacancies to be filled under 1.541. The remaining write-in vote getters received 1 (one) vote each and a tie-breaker election was held on April 24 to fill the remaining three positions. Philip Hart Helzer was one of the winners of the tie-breaker election and he accepted his election in writing. The other two winners of the tie-breaker election did not accept election in writing.*

**Precinct IV, three years (8)**

Christopher D. Stahl	33
^Finn J. McCooole	23
*Thomas Vulaj	12
Peter Roland Blier	74
Stephen A. George	72
Patricia G. Blauner	74

Caroline Murray	56
Michael A. Giles	74
Walter Fernandez-	30
Pereira	20
^Trevor D. Pilkington	18
*Derrick G. Andrews, Jr.	74
Michael L. Rossen	

**Precinct IV, two years (1)**

*Willis W. Chen	10
Katharine E. Troast	75
*William Mason Kendall	6

**Precinct IV, one year (1)**

*Patrick D. Sadlon	16
Margot Shea O'Connor	71

*Section 2.211 of the Amherst Town Government Act states, in part, "Any elected town meeting member who becomes by appointment or election one (1) of the officers designated as town meeting members ex officio shall, upon such appointment or election, cease to be an elected town meeting member." Section 1.541 of the Amherst Town Government Act states in part, "In the event of a vacancy in the full membership of town meeting following the annual town election . . . such vacancy shall be filled by the losing candidate at the same election with the largest number of votes . . . who shall serve only until the next annual town election." Kay Moran ceased to be an elected town meeting member when she was appointed to Chair of the Finance Committee. Finn McCooole was the losing candidate with the highest number of votes and was elected to fill the vacancy until the next annual town election. Additionally, Akshay Kapoor resigned from Precinct 4 town meeting member following the deadline to file nomination papers for the 2014 Annual Town Election. In accordance with Section 1.541 described above, Trevor Pilkington was the losing candidate with the next highest number of votes and was elected to fill the vacancy until the next annual town election.*

**Precinct V, three years (8)**

Amber M. KaCey	93
Mary L. Wentworth	104
Tong Shen	83
Russell W. Vernon-Jones	115
Emahunn R. Campbell	81
Walter J. Wolnik	84
Mandi Jo Hanneke	86
Merrylees Turner	105

**Precinct V, two years (2)**

Melissa E. Giraud	105
Andrew P. Grant-	89
Thomas	

**Precinct V, one year (1)**

*Nina Wishengrad	57
Jacqueline Lucette Maidana	70

**Precinct VI, three years (8)**

Richard D. W. Cairn	165
^Paul E. Drummond	132
Tracylee S.G. Boutilier	173
*Ruth B. Smith	83
Michael A. Burkart	149
Lisa Kleinholz	180
Mari Castaneda	137

*Bernard J.V. Brennan	84
*Stephen W. Jefferson	101
*Joseph B. Krupczynski	72
James Avery Smith	148
Renee D. Moss	176
Joan Ross Logan	175

**Precinct VI, one year (1)**

James A. Brissette	155
*Andrew T. Melnechuk	84

*Section 2.211 of the Amherst Town Government Act states, in part, "Any elected town meeting member who becomes by appointment or election one (1) of the officers designated as town meeting members ex officio shall, upon such appointment or election, cease to be an elected town meeting member." Section 1.541 of the Amherst Town Government Act states in part, "In the event of a vacancy in the full membership of town meeting following the annual town election . . . such vacancy shall be filled by the losing candidate at the same election with the largest number of votes . . . who shall serve only until the next annual town election." Constance E. Kruger ceased to be an elected town meeting member when she was elected to Select Board. Paul E. Drummond was the losing candidate with the highest number of votes and was elected to fill the vacancy until the next annual town election.*

**Precinct VII, three years (8)**

Viraphanh Douangmany	239
Albert Chevan	143
Christopher J. Hoffmann	151
Carol Jeannette Gray	138
*John A. Boothroyd	86
Isabelle M. Callahan	164

**Precinct VII, two years (1)**

*James D. Brassord	124	John A. Hornik	215
*Kevin H. Vanderleeden	89		
Robert R. Wellman	126		
Richard B. Morse	139		
Gertrude W. Como	164		

**Precinct VIII, three years (8)**

Bernard R. Kubiak	243
Nelson Acosta	176
Janice D. Ratner	282
David D. Mullins	258
*Geoffrey B. Sullivan	129

Julia C. Marcus	257
James M. Boice	171
Frank M. Gatti	212
Isaac BenEzra	217

**Precinct IX, three years (8)**

*Richard T. Roznoy	91
*Nancy E. Higgins	90
*Rona D. Thompson	51
Shavahn M. Best	98
Sarah C. LaCour	161
*Richard F. McGinn Jr.	79
Stephen D. Schreiber	144

**Precinct IX, one year (1)**

^Gary Michael Tartakov	92	Susan D. Roznoy	139
Julia Y. Rueschemeyer	143	*Diana M. Alsabe	50
*Steven G. Randall	64		
Mathew E. Lebowitz	143		
Pamela S. Rooney	162		
Felicity P. Callahan	128		
Jonathan P. O'Keeffe	143		

*Section 1.541 of the Amherst Town Government Act states in part, "In the event of a vacancy in the full membership of town meeting following the annual town election . . . such vacancy shall be filled by the losing candidate at the same election with the largest number of votes . . . who shall serve only until the next annual town election." John Edwards resigned his position in Precinct 9 town meeting membership. Gary Michael Tartakov was the losing candidate with the next highest number of votes and was elected to fill the vacancy until the next annual town election.*

**Precinct X, three years (8)**

L. Paige Wilder	95
*Scott Justin Keating	17
*Marc I. Boyd	36
*Brett Butler	53
Gretchen G. Fox	93

Nancy M. Gordon	68
Gabor Z. Lukacs	71
Stephen R. Braun	56
Steven L. Bloom	68
*Byron G. Georgellis	8

*Kristaq Stefani	12
James R. Turner	64
*Perry David Moorstein	12
Christine A. Kline	76

@ Write-In Candidate

\* Defeated

^ 1.541

Precinct	PM RETURN TIME	REGISTERED	MACHINE VOTES	HAND COUNTED VOTES	TOTAL VOTES CAST	% Turnout
1	9:57	1,696	211	0	211	12.44
2	10:16	2,165	371	1	372	17.18
3	9:31	1,722	98	1	99	5.75
4	9:17	1,797	109	0	109	6.07
5	9:05	1,738	198	2	200	11.51
6	8:54	2,226	380	0	380	17.07
7	9:39	2,142	358	1	359	16.76
8	9:04	2,554	487	0	487	19.07
9	9:45	2,161	314	0	314	4.53
10	9:26	1,576	137	0	137	8.69
<b>TOTAL</b>		<b>19,777</b>	<b>2,663</b>	<b>5</b>	<b>2,668</b>	<b>13.49</b>

The public announcement was made at 10:18 p.m. on March 25, 2014. 2,668 ballots were cast, representing 13.49% of the 19,777 voters registered.

Attest:

Sandra J. Burgess  
Town Clerk

**WARRANT  
ANNUAL TOWN MEETING  
April 28, 2014**

**Hampshire, ss.**

To one of the Constables of the Town of Amherst, in said county, Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify the registered voters of the Town of Amherst of the **Annual Town Meeting** to be held in the Auditorium of the Amherst Regional Middle School in said Amherst at seven o'clock p.m. on **Monday, the twenty-eighth day of April, Two Thousand and Fourteen**, when the following articles will be acted upon by Town Meeting members:

**ARTICLE 1. Reports of Boards and Committees (Select Board)**

To see if the Town will hear those reports of Town officers, the Finance Committee, and any other Town boards or committees which are not available in written form.

**ARTICLE 2. Transfer of Funds – Unpaid Bills (Finance Committee)**

To see if the Town will, in accordance with Chapter 44, Section 64 of the Massachusetts General Laws, appropriate and transfer a sum of money to pay unpaid bills of previous years.

**ARTICLE 3. Acceptance of Optional Tax Exemptions (Select Board)**

To see if the Town will authorize a maximum additional exemption of up to 100 percent for taxpayers qualifying for exemption under Chapter 59, Section 5, Clauses 17D, 22, 37A, or 41C of the Massachusetts General Laws.

**ARTICLE 4. Authorization for Compensating Balances (Select Board)**

To see if the Town will accept the provisions of Chapter 44, Section 53F of the Massachusetts General Laws, which authorize the Treasurer to enter into written agreements with banking institutions pursuant to which the Treasurer agrees to maintain funds on deposit in exchange for banking services.

**ARTICLE 5. Capital Program – Jones Library Feasibility Study Library Trustees**

- A. To see if the Town will vote to authorize the Board of Trustees of the Jones Library to proceed with a feasibility study to examine the options for expanding and renovating its current library building, or building a new facility.
- B. To see if the Town will vote to grant the Board Trustees of the Jones Library the authority to apply for, accept, and expend any state grants which may be available for a feasibility study for the current and future needs of the Jones Library and to further vote to raise and appropriate \$25,000 for the purpose of making funds available to the Trustees to be able to apply for matching state grant funds for a Library Feasibility Study.

**ARTICLE 6. FY 2014 Budget Amendments (Finance Committee)**

- A. To see if the Town will amend the budget voted under Article 16 of the 2013 Annual Town Meeting (FY 2014 Operating Budget) to transfer sums of money between General Government, Public Safety, Public Works, Planning, Conservation, and Inspections, Community Services, and Debt Service accounts to balance the 2014 Fiscal Year.
- B. To see if the Town will amend the budget voted under Article 16 of the 2013 Annual Town Meeting (FY 2014 Operating Budget) to appropriate and transfer a sum of money from the Ambulance Fund to the Public Safety budget.
- C. To see if the Town will amend the action taken under Article 17 of the 2013 Annual Town Meeting (FY 2014 Reserve Fund) to appropriate and transfer a sum of money from the Fund Balance Reserved for Overlay Surplus account to the Reserve Fund to balance the 2014 Fiscal Year.
- D. To see if the Town will amend the action taken under Article 17 of the 2013 Annual Town Meeting (FY 2014 Reserve Fund) to appropriate and transfer a sum of money from Free Cash in the Undesignated Fund Balance of the General Fund to the Reserve Fund to balance the 2014 Fiscal Year.

**ARTICLE 7. Retirement Assessment (Select Board)**

To see if the Town will raise and appropriate \$4,204,149 for the Hampshire County Retirement System assessment.

**ARTICLE 8. Regional Lockup Assessment (Select Board)**

To see if the Town will raise and appropriate \$35,928 for the Hampshire County Regional Lockup Facility assessment.

**ARTICLE 9. Other Post-Employment Benefits (OPEB) Trust Fund (Finance Committee)**

To see if the Town will raise and appropriate \$100,000 for the OPEB Trust Fund established under the provisions of Section 20 of Chapter 32B of the Massachusetts General Laws.

**ARTICLE 10. Revolving Fund Reauthorization (Finance Committee)**

To see if the Town will reauthorize a revolving fund pursuant to Chapter 44, §53E½ of the Massachusetts General Laws for the operation of an After School Program from which the receipts shall be credited for expenditure by the LSSE department as authorized by the Department Head of the LSSE or his/her designee for supplies and services, including salaries and benefits of staffing, and related

administrative costs for the program operation with a limit of \$400,000 that may be expended from said revolving fund in the fiscal year which begins on July 1, 2014.

**ARTICLE 11. Amherst-Pelham Regional School District Assessment Method  
(Amherst-Pelham Regional School Committee)**

To see if the Town will vote to approve following the existing Amherst-Pelham Regional School District Agreement for allocating the total amount to be contributed by each member town of the District for Fiscal Year 2015 as required by Section VI of the Regional Agreement.

**ARTICLE 12. FY 2015 Operating Budget (Finance Committee)**

To see if the Town will adopt a comprehensive operating budget for the ensuing year and raise and appropriate money therefor.

**ARTICLE 13. Reserve Fund (Finance Committee)**

To see if the Town will raise and appropriate \$100,000 for the Reserve Fund for FY 2015.

**ARTICLE 14. Capital Program – Equipment (Joint Capital Planning Committee)**

To see if the Town will appropriate \$1,413,300 to purchase, repair, and/or install new or replacement equipment and determine whether such appropriation shall be met by taxation, by the transfer of available funds, or otherwise and further to authorize the application for and acceptance of any gifts, bequests, or grants.

**ARTICLE 15. Capital Program – Buildings and Facilities (Joint Capital Planning Committee)**

To see if the Town will appropriate \$633,000 to repair and/or improve buildings and facilities and determine whether such appropriation shall be met by taxation, by the transfer of available funds, or otherwise and further to authorize the application for and acceptance of any gifts, bequests, or grants.

**ARTICLE 16. Capital Program – Bond Authorizations (Joint Capital Planning Committee)**

- A. To see if the Town will appropriate \$700,000 for making repairs and improvements to the East St. School and to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to MGL Chapter 44, Section 7 or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.
- B. To see if the Town will appropriate \$322,411 for purchasing two large mowers and a loader for the Public Works Department and to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to MGL Chapter 44, Section 7 or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

**ARTICLE 17. Capital Program – Wildwood School Feasibility Study (School Committee)**

To see if the Town will vote to appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of the Wildwood School Building Committee for the Amherst Public School District/Wildwood Elementary Renovation Project Feasibility Study, Wildwood Elementary School, located at 71 Strong Street, Amherst, MA, for which feasibility study the Town may be eligible for a grant from the Massachusetts School Building Authority. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in connection with the feasibility study in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town.

**ARTICLE 18. Debt Rescission (Finance Committee)**

To see if the Town will vote to rescind the \$400,000 unissued amount voted under Article 21 at the 2013 Annual Town Meeting for repairs to the boiler at the Wildwood Elementary School.

**ARTICLE 19. Watershed Land Purchase (Select Board)**

To see if the Town will vote to: (1) authorize the Select Board, in its capacity as the Board of Water Commissioners, to acquire by purchase, gift, or eminent domain, for water supply protection purposes, all or any portion of two parcels of land in the Town of Amherst, being identified as Parcels 39 and 21 on Amherst Assessors' Map 3D, which portion shall contain twelve acres, more or less, (2) appropriate \$ \$700,000.00 for the acquisition of such land and costs related thereto, and, to meet such appropriation, transfer \$350,000.00 from the Water Fund Surplus; and (3) authorize the Select Board, the Town Manager, and/or such other boards as they deem appropriate, to file on behalf of the Town all applications under the Massachusetts Department of Environmental Protection Drinking Water Supply Protection Grant Program and/or other applications for funds, gifts, grants, including grants of reimbursement under any federal and/or other state program, in any way connected with the scope of this acquisition, and to enter into all agreements and execute any and all instruments to effectuate the foregoing acquisition, provided that the Select Board may expend such funds only if, prior to acquisition, the Town has received a commitment for funds under the Drinking Water Supply Protection Grant Program or any other federal and/or state program in an amount equal to at least fifty percent (50%) of the amount appropriated under this article, which may be in the form of a reimbursement grant.

**ARTICLE 20. Community Preservation Act (Community Preservation Act Committee)**

**A.** To see if the Town will appropriate a sum of \$380,000 for Community Preservation Act Purposes recommended by the Community Preservation Act Committee and that the following items 1 – 7 be appropriated or reserved from Community Preservation Act Funds as follows, and to authorize the Town to accept or convey property interests where applicable, as required under Massachusetts General Laws Chapter 44B, Section 12.

	<b>Project</b>	<b>Total Appropriation</b>	<b>Source of Appropriation</b>
	<b>AFFORDABLE HOUSING</b>		
<b>1</b>	Housing Choice Voucher Program	\$154,000	
<b>2</b>	Pioneer Valley Habitat for Humanity – Hawthorne Farm	80,000	
	<b>Total Affordable Housing</b>	<b>\$234,000</b>	<b>FY 15 Estimated Revenues</b>
	<b>HISTORIC PRESERVATION</b>		
<b>3</b>	332 West Street Barn Restoration	\$75,000	
	<b>Total Historic Preservation</b>	<b>\$75,000</b>	<b>FY15 Estimated Revenues</b>
	<b>OPEN SPACE</b>		
<b>4</b>	Conservation Restrictions	\$40,000	
<b>5</b>	Surveys & Appraisals	\$25,000	
	<b>Total Open Space</b>	<b>\$65,000</b>	<b>FY15 Estimated Revenues</b>

	<b>RECREATION</b>		
<b>6</b>	LSSE – Groff Park Wading Pool	\$4,000	
	<b>Total Recreation</b>	<b>\$4,000</b>	<b>FY15 Estimated Revenues</b>
	<b>ADMINISTRATIVE</b>		
<b>7</b>	CPAC Administrative Expenses	\$2,000	
	<b>Total Administrative</b>	<b>\$2,000</b>	<b>FY15 Estimated Revenues</b>
	<b>TOTAL FOR ARTICLE</b>	<b>\$380,000</b>	

**B. OPEN SPACE – Belchertown Road Acquisition**

To see if the Town will vote to: (a) authorize the Select Board to acquire by gift, purchase, and/or eminent domain, for open space purposes, all or a portion of the two (2) parcels of land located off Belchertown Road, shown on Assessors Map 15C as Parcels 22 and 54, and containing 19.70 acres, and described in a deed recorded with the Hampshire County Registry of Deeds in Book 11596, Page 157, which land shall be under the care, custody, management and control of the Conservation Commission under the provisions of G.L. c. 40, §8C; (b) appropriate the sum of \$150,950 for the acquisition of said land and costs related thereto, of which \$41,785 shall be transferred from the Community Preservation Act Fund Balance; (c) authorize the Select Board, the Town Manager, and/or the Conservation Commission, as they deem appropriate, to accept on behalf of the Town funds granted under the LAND Program (G.L. c. 132A, §11) and/or any other funds, gifts, grants, under any federal and/or other state program, in any way connected with the scope of this acquisition, and to enter into all agreements and execute any and all instruments as may be necessary or appropriate to effectuate the foregoing acquisition; and, further, (d) authorize the Select Board and/or the Conservation Commission to convey a restriction on said land in accordance with G.L. c. 184, as required by G.L. c. 44B, §12(a).

**C: AFFORDABLE HOUSING Preservation of Affordable Housing Units at Rolling Green**

To see if the Town will vote to: (a) authorize the Select Board to acquire by purchase, gift, and/or eminent domain, permanent affordable housing restrictions encumbering forty-one (41) or more units in the Rolling Green apartments, located at 422 Belchertown Road and shown on Assessors Map 18A as Lot 43, requiring said units to be used to provide housing to persons earning no more than eighty percent (80%) of the Springfield Area Median Income; (b) appropriate \$750,000 from the Community Preservation Fund for the purpose of acquiring, creating, and/or supporting said community housing, and authorize the Treasurer, with the approval of the Select Board, to issue any bonds or notes that may be necessary for such purposes pursuant to G.L. 44B, §11, G.L. c. 44, and/or any other enabling authority; and (c) authorize the Select Board and/or the Town Manager to apply for and accept gifts and/or grants in any way connected with the scope of this acquisition, and to execute any and all instruments as may be necessary or appropriate to effectuate the foregoing acquisition.

**ARTICLE 21. Social Services Funding (Finance Committee)**

To see if the Town will appropriate and transfer \$125,000 from Free Cash in the Undesignated Fund Balance of the General Fund for the following Social Services activities:

Agency	Program Description	Funding Recommended
Town of Amherst	Emergency Funds	\$20,000
Amherst Survival Center	Food Pantry Project	\$35,000
Craig's Doors	Emergency Homeless Shelter	\$70,000

**ARTICLE 22. Free Cash (Finance Committee)**

To see if the Town will appropriate and transfer a sum of money from Free Cash in the Undesignated Fund Balance of the General Fund to balance the Fiscal Year 2015 Budget.

**ARTICLE 23. Stabilization Fund (Finance Committee)**

To see if the Town will appropriate and transfer a sum of money from the Stabilization Fund to balance the Fiscal Year 2015 Budget.

**ARTICLE 24. Zoning – Inclusionary Zoning (Planning Board)**

To see if the Town will amend Articles 4, 12, and 15 of the Zoning Bylaw by deleting the ~~lined-out~~ language and adding the language in ***bold italics***, as follows:

**A. Amend Article 12 by amending the following definition:**

- 12.24 Housing, Affordable: Affordable housing units are units which may be rented or purchased by those who meet the guidelines for maximum annual income for low-income ~~or moderate-income families~~ ~~or households~~ ~~The income limit for low income shall be (80% of the median income for Amherst, as~~ ***calculated by the U.S. Department of Housing and Urban Development or any successor agency), adjusted for family size, and eligible and countable for the purpose of the Commonwealth's 40B Subsidized Housing Inventory (SHI) or its successor.*** ~~and the income limit for moderate income shall be 120% of median income for Amherst.~~

~~Median income for Amherst shall be as calculated by the U.S. Department of Housing & Urban Development, or any successor agency and shall be adjusted for family size.~~

**B. Amend Article 15, as follows:**

**SECTION 15.0 INTENT & PURPOSE**

The purpose of this Article is to promote the general public welfare, including but not limited to ensuring an economically integrated and diverse community, by maintaining and increasing the supply of affordable and accessible housing in the Town of Amherst. This purpose includes:

- 15.00 Ensuring that new residential development generates affordable housing as defined in ~~Section 12.20~~ ***Article 12.***
- 15.01 Ensuring that affordable housing created under this section remains affordable over the long term, with the majority of such housing remaining affordable in perpetuity, except as may be otherwise required under state or federal programs.
- 15.02 Maintaining a full mix of housing types and unrestricted geographic distribution of affordable housing opportunities throughout Amherst.
- 15.03 To the extent allowed by law, ensuring that preference for new affordable housing is given to



## SECTION 15.1 REGULATIONS

### 15.10 Affordable Housing Requirements

**15.100** *For the purposes of this Bylaw, all contiguous parcels held in common as of September 1, 2013 shall be considered a single property for the purposes of the application of inclusionary requirements hereunder.*

**15.101** All residential *uses and* developments requiring a Special Permit and resulting in a *net increase in additional new* dwelling units *eligible to be counted as year round housing units under the U.S. Census, M.G.L. Chapter 40B and the regulations of the Massachusetts Department of Housing and Community Development with regard to the Subsidized Housing Inventory (SHI), whether as a result of new construction, renovation, redevelopment or expansion of existing residential uses or developments*, shall provide affordable housing units (*see definition, Article 12*) at the following minimum rates.

#### **15.1010 Inclusionary Requirements**

<u>Total Development Net Increase In Unit Count</u>	<u>Required Affordable Unit Provision</u>
1-9 units	None
10-14 units	Minimum one (1) dwelling unit
15-20 units	Minimum two (2) dwelling units
21+ units	Minimum 12% of total unit count
<b>10 or more units</b>	
<b>Single family development only</b>	<b>Minimum 10% of total unit count</b>
<b>Other uses/developments in B-G District</b>	<b>Minimum 10% of total unit count</b>
<b>Other uses/developments in other districts</b>	<b>Minimum 15% of total unit count</b>

While provision of affordable units is not required for *residential uses or* developments containing 1-9 units under this section, the Bylaw encourages affordability and provides for incentives. See Sections ~~4.33 and 4.55~~ **4.13**.

~~Where two or more units are required to be provided under this section, a minimum of forty-nine percent (49%) of affordable units shall be eligible and countable for the purpose of the Commonwealth's 40B Subsidized Housing Inventory (SHI) or its successor. Calculation of the number of total affordable units or the number of SHI eligible units shall, if the required percent of the total results in a fraction, be rounded up to the next whole number where the fractional portion is equal to 0.5 or greater, and shall be rounded down to the next whole number where the fractional portion is less than 0.5.~~

**15.1011 Modification of Dimensions.** *For all residential use categories and development methods required to provide a minimum of 10% affordable dwelling units, the dimensional regulations of Table 3 may be modified by the Permit Granting Board or Special Permit Granting Authority under the provisions of this section for compelling reasons of development function and site design consonant with the purposes of this Bylaw, including for the purpose of accommodating additional units permitted as cost offsets (see Section 15.110).*

**15.102 Options for Provision – The manner in which affordable units are provided shall be approved by the Permit Granting Board or Special Permit Granting Authority, which may allow the following options:**

- 15.1020**     *Units constructed or rehabilitated on the property or properties of the residential use or development, or;*
- 15.1021**     *Units constructed or rehabilitated on one or more off-site properties other than that of the residential use or development, or;*
- 15.1022**     *An equivalent payment to the Town or its designee of fees-in-lieu-of the provision of affordable units (see Section 15.104) to be determined by the Permit Granting Board or Special Permit Granting Authority, or;*
- 15.1023**     *Donations to the Town or its designee of land in fee simple, on- or off-site, that is suitable for the construction of affordable housing units where the appraised value of the donated land shall be equal to or greater than the value of the construction or set-aside of the affordable units. If accepted, said land may be used for construction of affordable housing or leased for that purpose, or may be sold and the proceeds used for purpose of constructing affordable housing; or*
- 15.1024**     *A combination of two or more of the above four options acceptable to the Permit Granting Board or Special Permit Granting Authority.*

**15.103 Timing of Units**

- 15.1030**     *The provision of affordable units, whether on-site or off-site, shall be coincident to the development of the market-rate units, or in accordance with an alternate schedule approved by the Permit Granting Board or Special Permit Granting Authority under the provisions of the Rules and Regulations of the Planning Board.*

**15.104 Fees-in-Lieu-of the Provision of Affordable Housing Units**

- 15.1040**     *Authorization. An applicant may, at the discretion of the Permit Granting Board or Special Permit Granting Authority, contribute funds to the Town of Amherst or its designee to be used for the development or preservation of affordable housing in lieu of constructing and offering affordable units within the property of a proposed development, or any of the other options listed under Section 15.103.*
- 15.1041**     *Calculation of fee-in-lieu-of unit value. For each affordable unit not constructed or provided through one or a combination of the methods specified in Section 15.102, the fee shall be an amount equal to three (3) times the eighty percent (80%) Median Household Income for a four person household for Amherst, as calculated by the U.S. Department of Housing and Urban Development or any successor agency. In the B-G District only, for each affordable unit not constructed or provided on the subject property, the fee shall be an amount equal to one (1) time the eighty percent (80%) Median Household Income for a four person household for Amherst.*

**15.1042 Schedule of fees-in-lieu-of-units payments. Fees-in-lieu-of affordable unit payments shall be made according to a schedule agreed upon by the Permit Granting Board or Special Permit Granting Authority and the applicant.**

**15.11 Cost Offsets**

**15.110** ~~Affordable and accessible dwelling units provided under Section 15.10 shall be counted as meeting the requirements for density bonuses under the provisions of Section 4.55, Density Bonuses, of this Bylaw.~~ ***In furtherance of the objectives of this Bylaw, the following additional cost offsets are allowed in exchange for the provision of required affordable housing units, where affordable units are constructed or rehabilitated as part of the proposed residential use or development on the property or properties of said use or development, and/or on properties within 300 feet thereof. Cost offsets shall not be available in association with affordable units whose provision is accomplished through any means other than the direct construction or rehabilitation of units on the subject property for a development. For the provision of affordable units in amounts greater than the minimum percentages required under Section 15.1010, the applicant may request, and the Permit Granting Board or Special Permit Granting Authority may approve, additional cost offsets in the form of additional market rate units as provided under Section 5.111.***

**15.111** ***Two (2) additional market rate dwelling units may be added for every one (1) affordable unit provided under the provisions of Section 15.1010, above and beyond the maximum number of units otherwise permitted, up to a maximum total project unit count for the residential use or development method of fifty (50) dwelling units, including offset units. For every unit above a total project unit count of fifty (50) dwelling units, one (1) additional market rate dwelling unit may be added for every one (1) affordable unit provided.***

**15.112** ***Mixed-use Districts Dimensional Modifications. In the following mixed-use business districts, the space requirements of cost offset units shall be accommodated through the following alternative dimensional requirements, which shall apply only tFor all other dimensional requirements, the provisions of Table 3 shall apply. See Table 3***

<u>District</u>	<u>Maximum Building Coverage (%)<sup>a</sup></u>	<u>Maximum Lot Coverage (%)</u>
B-G	85 <sup>a</sup>	95 <sup>a</sup>
B-VC	50 <sup>a</sup>	75
B-N	50 <sup>a</sup>	70 <sup>a</sup>

***For all other dimensional requirements, the provisions of Table 3 shall apply. See Table 3 for applicable footnotes.***

**15.113 Attached Units.** *In the R-N, R-O, and R-LD Districts, attached residential uses consisting of a building of three (3) or more dwelling units shall be permitted in residential developments that include at least 10% affordable units. The maximum number of dwelling units allowed per attached building shall be as follows:*

<b>R-N</b>	<b><i>Not to exceed eight (8) units</i></b>
<b>R-O</b>	<b><i>Not to exceed six (6) units</i></b>
<b>R-LD</b>	<b><i>Not to exceed four (4) units.</i></b>

- 15.12 The applicant shall establish such housing restrictions, conditions, and/or limitations as are necessary to ensure that the affordable housing units provided under this section will be ~~permanently~~ ***and affordable*** for purchase ***or rent*** by eligible low-~~and moderate-~~ income buyers ***and renters in perpetuity***, ~~and available for a minimum of twenty years in the ease of rental housing,~~ ***or as otherwise allowed by law.***
- 15.13 Housing constructed by a public agency or non-profit corporation using a federal, state, or local housing assistance program may adhere to the requirements set forth by the funding agency provided that the purposes of these regulations are met.
- 15.14 In any residential development, ***on-site*** affordable housing units shall be dispersed throughout the development, ***as determined to be appropriate by the Permit Granting Board or Special Permit Granting Authority***, and ***in all cases affordable housing units*** shall be comparable to market rate units in terms of the quality of their design, materials, and general appearance of their architecture and landscape ***treatment.***

**C. Amend Article 4, Development Methods, to amend Sections 4.3, 4.4, and 4.5, as follows:**

**For Cluster Developments:**

- 4.321 The total area of land included within the development shall be five acres or more, ***except that for a cluster development including a minimum of 10% affordable units the minimum land area requirement shall be as follows***

<b>R-G</b>	<b><i>Two (2) acres or more</i></b>
<b>R-VC</b>	<b><i>Two (2) acres or more</i></b>
<b>R-N</b>	<b><i>Three (3) acres or more</i></b>
<b>R-O</b>	<b><i>Four (4) acres or more</i></b>

- 4.3230 Unless otherwise provided for, the Dimensional Regulations of Table 3 shall be complied with.

- 4.3231 ***Except as provided under Article 15,*** ~~the maximum density of a cluster subdivision, except for an affordable cluster,~~ shall not exceed the allowed density for a standard subdivision in any zoning district, said density to be calculated by taking the parcel area, subtracting 10% of that area and dividing that number by the minimum lot area of the zoning district in which the parcel is located. See Section 4.12. In addition, ***except as provided under Article 15,*** it is the intention of this Section that ~~the a cluster subdivision development~~ not result in more lots than would be approved for a standard subdivision under a Definitive Subdivision Plan, except as may otherwise be authorized under this Bylaw.

4.3232 The Planning Board may reduce the frontage requirements for not more than 50 percent of the lots in the subdivision.

4.325 A minimum of 40% of the total dwelling units shall be single-family dwellings. A minimum of 20% of the total dwelling units shall be non-zero lot line, single family dwellings. A maximum of 60% of the dwelling units may be two-family dwellings. A maximum of 30% of the total dwelling units may be attached dwellings. ***Attached units shall only be allowed in cluster developments that include affordable units.*** There shall be no more than eight attached dwelling units allowed in one building. *See Article 15.*

#### 4.33 ~~Affordable Units~~ ***Affordability Requirements***

**[Remove the entirety of this section, and replace it with the following.]**

***Cluster developments containing 10 or more dwelling units shall be governed by the provisions of Article 15.***

#### **For Planned Unit Residential Developments (PURDs):**

4.421 In a Planned Unit Residential Development the following requirements relating to the density and intensity of land use shall be met: ***For PURDs containing 10 or more units, the requirements of Article 15 shall apply.***

#### **For Open Space Community Developments (OSCDs):**

#### 4.52 Density Standards

4.520 The maximum density allowed in an Open Space Community Development shall be calculated as follows: . . . .

Divide the remaining buildable land area by the minimum lot area required under the applicable zoning district(s). ***For OSCDs containing 10 or more units, the requirements of Article 15 shall apply.***

#### 4.53 Dimensional Standards

***4.537 For OSCDs containing 10 or more units, the requirements of Article 15 shall apply.***

#### 4.55 ~~Density Bonuses~~ ***Affordability Requirements***

**[Remove the entirety of this section, and replace it with the following.]**

***For OSCDs containing 10 or more units, the requirements of Article 15 shall apply.***

#### **ARTICLE 25. Zoning - Atkins Corner Rezoning (Planning Board)**

To see if the Town will amend the Official Zoning Map by changing the zoning designation from Limited Business (B-L) to Village Center (B-VC) for parcels 25B-51, 25B-52, 25B-58, 25B-R1, 25B-R2 and portions of adjacent public ways in Atkins Corner village center, as shown on Figure 1.

## ARTICLE 26. Zoning – Small House Development (Planning Board)

To see if the Town will amend Section 3.3, Articles 5 and 12 of the Zoning Bylaw by deleting the ~~lined out~~ language and adding the language in ***bold italics***, as follows:

### A. Amend Section 3.320, One Family Detached Dwelling, as follows:

3.320 One family detached dwelling

R-O

R-LD R-N R-VC R-G R-F B-G B-L B-VC B-N COM OP LI PRP FPC

Y Y Y Y N N N N N N N N N  
***SP\* SP\****

### Standards & Conditions

***\*Small House Requirements – A one family detached dwelling qualifying as a Small House (see definition under Article 12) shall be permitted only in the R-G and R-VC Districts under a Special Permit. A one family detached Small House under this section shall have an external appearance, siting, and orientation compatible in terms of its design with those of other one family detached dwellings in the surrounding neighborhood.***

***Any person seeking to build a one family detached Small House may, prior to the filing of a Special Permit application, submit to the Inspection Services Department a site plan and architectural renderings of the proposed residence and any outbuildings on the form(s) provided, for review by the Building Commissioner. If the Building Commissioner determines that the proposed Small House meets the criteria of Section 3.204 of this Bylaw, then the Commissioner shall certify in writing that the proposed development does not require Special Permit approval.***

***Small House Lots - The following lot and building dimensional requirements shall apply to stand-alone one family detached dwellings qualifying as Small Houses in the R-G and R-VC Districts:***

<b><i>Basic Minimum Lot Area (sq. ft.)<sup>h</sup></i></b>	<b><i>5,000</i></b>
<b><i>Additional Lot Area/ Family (sq. ft.)</i></b>	<b><i>1,500</i></b>
<b><i>Basic Minimum Lot Frontage (ft.)</i></b>	<b><i>50</i></b>
<b><i>Basic Minimum/Maximum Front Setback (ft.)<sup>an</sup></i></b>	<b><i>15</i></b>
<b><i>Basic Minimum Side and Rear Yards (ft.)<sup>g</sup></i></b>	<b><i>10</i></b>
<b><i>Maximum Building Coverage (%)</i></b>	<b><i>25<sup>a</sup></i></b>
<b><i>Maximum Lot Coverage (%)<sup>o</sup></i></b>	<b><i>40</i></b>
<b><i>Maximum Floors<sup>a</sup></i></b>	<b><i>2</i></b>
<b><i>Minimum/Maximum Height (ft.)<sup>an</sup></i></b>	<b><i>25</i></b>

### B. Amend Article 12 by adding the following new definition in alphabetical order and re-numbering the remaining sections accordingly:

- 12.\_\_\_\_ ***Small House: For the purposes of this Bylaw, a Small House shall be a principal residential use consisting of a one family detached dwelling, a zero lot line one family dwelling, or a two-family detached dwelling, where each individual dwelling unit contains a total of not less than 350 sq. ft. and not more than 1,000 sq. ft. of habitable interior space, except where otherwise provided in this Bylaw.***

**ARTICLE 27. Zoning – Accessory Home Business Uses (Planning Board)**

To see if the Town will amend Article 5, Accessory Uses, and Article 12, Definitions, as follows:

**A. Delete Sections 5.012 and 5.013 in their entirety, replace them with the new language below:**

**5.012 Use of Residences for Business Purposes**

The Town of Amherst encourages the responsible operation of accessory home business enterprises in appropriate locations, as a resource for employment and economic stability for Amherst residents. Such businesses must likewise be operated in a manner which preserves and protects the character and peaceful enjoyment of Amherst's existing residential neighborhoods.

It is the purpose of this section to appropriately regulate such uses, with the expectation that once a home business has grown to a size where its impacts are no longer appropriate in its original location, it will be moved to a more appropriate location in a business or industrial/research park district where it can be operated as a principal business use making a more significant contribution to the community's mix of goods and services and the local economy.

5.0120 The following three categories of businesses (including professions and trades) may be conducted in or at a residence (dwelling) as an accessory use:

5.0120.0 Home Business — A business, profession, or trade conducted by a resident of the premises entirely within the residence or an accessory building on the same property, and involving only occasional business vehicular traffic to the property. Examples include but are not limited to artists, desktop publishers, software developers, craftspersons, and other residents who work at home and conduct business by mail, telephone, or electronic communication.

5.0120.1 Customary Home Office or Occupation — A business, profession, or trade which is conducted by a resident of the premises and involves an increase in traffic resulting from clients, patients, associates, or employees. Examples include but are not limited to lawyers, doctors, dentists, therapists, accountants, beauticians, instructors, and professionals and consultants in design, real estate, and similar fields.

5.0120.2 Home Based Contractor:

1. Small Home-Based Contractor – A business that is conducted by a resident of the premises accessory to a residential use and consisting of only an office and no external storage of materials. A Small Home-Based Contractor shall not store or park Construction Vehicles on-site, whether in a garage or out of doors.

2. Large Home-Based Contractor — A business which is conducted by a resident of the premises as accessory to a residential use, both enclosed within structures and on the grounds of the associated property. Examples include but are not limited to building, plumbing, electrical, cabinetry, public works construction, materials transport and handling, fabrication, land resource-based activities (forestry, quarrying, landscaping, etc.), and other similar contractors who perform their work off-site but use their residence as a base of operations which may include an office and small scale storage of materials. A Large Home-Based Contractor may, with permission of the Special Permit Granting Authority, store or park Construction Vehicles on-site in conformance with these regulations, whether in a garage or out of doors. This category is meant to serve the needs of small contracting businesses with limited space needs, and to ensure that such accessory home business uses are located and operated in a manner that is reasonably compatible with the surrounding neighborhood.

5.0121 General Regulations. All three categories of businesses are subject to the following requirements.

5.0121.0 The activity must be operated by residents of the dwelling unit.

5.0121.1 The activity must be clearly accessory to the primary use of the premises as a residence.

5.0121.2 The activity must not change the character of the premises or surrounding neighborhood. There shall be no window displays or other features not normally associated with a residential use.

5.0121.3 Required parking associated with the accessory business use shall be accommodated off-street and abide by the provisions of Section 7.1. To the greatest extent feasible, new or expanded parking areas shall be located at the side or rear of the residence or accessory buildings, and shall be screened from the view of abutters and from public ways (streets or pedestrian ways) utilizing plantings, fencing, and/or topography.

5.0121.4 Proof of compliance with all applicable environmental controls is required. This includes floodplain protection, aquifer protection, and the Wetlands Protection Act.

5.0121.5 All signage shall be installed in conformance with the sign regulations.

5.0121.6 Sound produced as a result of any activity associated with the accessory business use shall not generally exceed 70dB (A), as measured at any boundary of the subject property abutting another residential use.

5.0122 Home Businesses. Home businesses are permitted by right in all zoning districts subject to both the General Regulations and the following provisions:



- 5.0122.0 The business must be conducted entirely within the residence or an accessory building.
  - 5.0122.1 Not more than two (2) persons other than residents shall be regularly employed in the business at the site.
  - 5.0122.2 There shall be no exterior display, no exterior storage of materials or equipment, and no other variation from the residential appearance and character of the premises.
  - 5.0122.3 The business shall not generate traffic that is inconsistent with the traffic associated with the residence use, either in quantity or type.
  - 5.0122.4 Any resident establishing an accessory business under this section shall submit to the Inspection Services Department a description of the proposed business on the form(s) provided, for review by the Building Commissioner. If the Building Commissioner determines that the proposed business meets the criteria of this category, then the Commissioner shall certify in writing that the proposed home business does not require Special Permit approval as either a Customary Home Office or Occupation or a Home-Based Contractor.
- 5.0123 Customary Home Office or Occupations. Customary Home Offices or Occupations are permitted in all zoning districts by Special Permit from the Zoning Board of Appeals. If the proposed use is in compliance with both the General Regulations and the following provisions, a waiver may be granted by the Building Commissioner if it is determined that the proposed Customary Home Office or Occupation meets the criteria on this category:
- 5.0123.0 The business must be conducted entirely within the residence or an accessory building.
  - 5.0123.1 Not more than two (2) persons other than residents of the premises shall be regularly employed in the business at the site.
  - 5.0123.2 There shall be no exterior display, no exterior storage of materials or equipment, and no other variation from the residential character of the premises.
  - 5.0123.3 The business shall not necessitate more than (4) parking spaces for clients, patients, non-resident employees, or other business-related demands and is appropriately constructed in accordance with the provisions of this section and Article 7 of this Bylaw.

5.0124 Home Based Contractors.

5.0124.0 Small Home-Based Contractors shall be allowed as follows without need for a Special Permit, but must conform to both the General Regulations and the following provisions.

1. The parcel on which the business is operated is within the R-G, R-VC, R-N, R-O or R-LD district.
2. Not more than two (2) vehicles associated with the business shall be parked at the site at any given time, excluding personal vehicles not typically used for the operation of the business. Such vehicles shall not include Construction Vehicles.
3. The activities related to the business shall be conducted entirely within the residence or an accessory building.
4. The total square footage of buildings used for storage or garaging of vehicles or equipment associated with the business shall be no greater than 2,000 square feet.
5. The business shall not generate traffic that is inconsistent with the traffic associated with the residential use, either in quantity or type.
6. Any resident wishing to establish such a business shall submit a request to the Inspection Services Department on the Management Form provided, for review by the Building Commissioner. If the Building Commissioner determines that the proposed business meets the criteria of this category, then the Commissioner shall sign the form stating that the proposed Small Home-Based Contractor does not require Special Permit approval.

5.0124.1 Large Home Based Contractors are permitted by Special Permit from the Zoning Board of Appeals, in compliance with both the General Regulations and the following provisions:

1. The parcel on which the business is operated is within the R-N, R-O, or R-LD districts.
2. The parcel is a minimum of one (1) acre in area in the R-N District, and two (2) acres in area in the R-O and R-LD districts. See Section 5.0125.
3. Not more than four (4) vehicles associated with the business including a maximum of two (2) Construction Vehicles shall be parked at the site at any given time, including employee vehicles and construction vehicles.
4. The activities related to the business may be conducted in part outdoors, but all such activities, equipment, and storage shall be permanently screened from the view of abutters and from public ways by buffers such as planting, fences, and/or topography.
5. No more than one quarter (25%) of the total area of the subject parcel, exclusive of areas covered by buildings, shall be used for business activities, including outdoor storage or parking.

6. The total square footage of buildings used for storage or garaging of vehicles or equipment associated with the business shall be no greater than 2,000 square feet. This shall not be construed to mean that a greater number of vehicles may be parked at the site than is otherwise permitted.
7. The Zoning Board of Appeals shall consider the capacity and condition of the road(s) serving the proposed business location with regard to the safety of residents in the vicinity, the types of vehicles to be used by the business, including delivery trucks, and the projected number of trips to and from the site.

#### 5.0125 Waiver or Modification

As applicable, the Building Commissioner may modify, and the Special Permit Granting Authority may waive or modify, any aspect of this section for compelling reasons of public safety, site design, or the public welfare consonant with the purposes of this section, this Article, and this Bylaw, including whether the applicant demonstrates to the satisfaction of the Commissioner or the Authority that the use will not be detrimental to its surroundings and the property's distance from adjacent dwellings and other uses, or other factors associated with the site, location, and proposal, will sufficiently prevent or mitigate potential impacts on the surrounding uses.

#### 5.013 Garaging or Parking of Motor Vehicles for Accessory Business Uses in Residential Districts

- 5.0130 For properties on which it can be demonstrated that motor vehicles have been parked or garaged continuously since January 1, 2010 or earlier, that number and type of vehicle may continue to be parked or garaged on said property without a Special Permit. This provision shall not apply to Construction Vehicles.
- 5.0131 Garaging or parking of one light panel, delivery or pick-up truck shall be permitted in association with a business use accessory to a lawful operating principal residential or business use occurring in a residential district. Such vehicles shall not include Construction Vehicles, except as herein provided.
- 5.0132 Any increase in the number of Construction Vehicles or larger commercial vehicles over one (1) ton in capacity parked or garaged on a property shall require a Special Permit from the Zoning Board of Appeals.
- 5.0133 Operation, including idling, of Construction Vehicles or larger commercial vehicles over one ton in capacity which are parked or garaged in residential districts is prohibited between the hours of 10:00 PM and 7:00 AM, except in case of emergency or for vehicles used for seasonal snowplowing. The Zoning Board of Appeals may further limit the hours of operation as needed to minimize negative impacts on the neighborhood through the Special Permit process.
- 5.0134 No trailer or other temporary container may be located on a residential property in association with an accessory business use for purposes other than temporary storage

or for transport of vehicles, equipment, or materials. No enclosed trailer used for human occupancy (offices or similar uses) or mobile home designed as a residence may be used in association with an accessory business use on a property in a residential zoning district, except as may be permitted under the provisions of Section 5.017.

**B. Amend current Section 5.015 by deleting the ~~lined-out~~ language and adding the language in *bold italics*, as follows:**

**5.015 Garaging or Parking of Motor Vehicles *for Accessory Business Uses in Business or Industrial/Research Park Districts***

5.0150 ~~1~~ *For properties on which it can be demonstrated that motor vehicles have been parked or garaged continuously since January 1, 2010 or earlier, that number and type of vehicle may continue to be parked or garaged on said property without a Special Permit. This provision shall not apply to Construction Vehicles.*

5.0151 ~~2~~ Garaging or parking of one light panel, delivery or pick-up truck shall be ~~considered to be a permitted~~ *in association with a business use* accessory use ~~to a lawful operating principal business use occurring in a residential business or industrial research park district. Such vehicles shall not include Construction Vehicles, except as hereinafter provided.~~

5.0152 ~~3~~ Garaging or parking of larger commercial vehicles or more than one commercial vehicle may be allowed under a Special Permit, issued by the Board of Appeals, *as follows:*

**5.0152.0** *Construction Vehicles or larger commercial vehicles over one (1) ton in capacity parked or garaged on a property.*

**5.0152.1** *The operation, including idling, of Construction Vehicles or larger commercial vehicles over one ton in capacity parked or garaged in any business or industrial/research park district is prohibited between the hours of 11:00 PM and 6:00 AM, except in cases of emergency or seasonal snow plowing. The Special Permit Granting Authority may further limit the hours of operation as needed to minimize negative impacts on the neighborhood through the special permit process.*

**5.0153** *No enclosed trailer used for human occupancy (offices or similar uses) or mobile home designed as a residence may be used in association with an accessory business use on a property in a business zoning district, except as may be permitted under the provisions of Section 5.017.*

**C. Amend Article 12 by adding the following new definitions in alphabetical order and renumbering the remaining sections accordingly:**

12.\_\_\_\_ Accessory Use or Building: Any use, building, or structure which customarily accompanies a Principal Use under this Bylaw, being incidental and subordinate to that use and occurring on the same lot with the Principal Use, or on a lot adjacent thereto, or, a use, structure or building which has been determined to be appropriately incidental

and subordinate to that use and occurring on the same lot with the Principal Use, or on a lot adjacent thereto, or, a use, structure or building which has been determined to be appropriately incidental and subordinate to such a Principal Use.

12. \_\_\_ Construction Vehicle: Any motor vehicle with a Gross Vehicle Weight (GVW) greater than 10,000 lbs.; any heavy equipment or machinery used for business purposes, including for general or specialized construction or for tasks requiring mechanical power, whether wheeled or of restricted mobility; or any trailer used predominantly for business purposes.
12. \_\_\_ Principal Use: The primary and predominant land use or uses occurring on a given property.

#### **ARTICLE 28. Zoning– Supplemental Dwelling Units (Planning Board)**

To see if the Town will amend Sections 5.011 and 3.3241 of the Zoning Bylaw by deleting the ~~lined out~~ language and adding the language in ***bold italics***, as follows:

##### **A. Amend Section 5.011 as follows:**

##### **5.011 Supplemental ~~Apartment~~ *Dwelling Units***

***Supplemental dwelling units as defined under this section are intended to meet the changing housing needs of owner-occupied households, including housing for relatives and others associated with the household, and the provision of small, individual rental units. As accessory uses, supplemental dwelling units are exempt from the additional lot area/family requirements of Table 3. Only one (1) supplemental dwelling unit shall be permitted as accessory to a one family detached dwelling.***

##### **5.0110 Supplemental Apartment**

A supplemental apartment is a small accessory dwelling unit incorporated as part of and subordinate to ***an existing single one*** family detached dwelling. ~~As an accessory use, a supplemental apartments is exempt from the additional lot area/family requirements of Table 3. Supplemental apartments are intended to meet the changing housing needs of owner-occupied households, including housing for relatives and others associated with the household, and the provision of small, individual rental units.~~

~~The Board of Appeals may authorize under a Special Permit in the Outlying Residence, Low Density Residence, Neighborhood Residence, Village Center Residence and General Residence Districts, one supplemental apartment accessory to the use of a single family dwelling, provided that:~~

- 1. Supplemental Apartment I - A supplemental apartment which is located entirely within an existing one family detached dwelling and requires no significant***

*external changes to the dwelling or site beyond entrances and windows required by the building code. A Supplemental Apartment I shall be permitted in all residential zoning districts except the R-F District following review of the proposed accessory use by the Building Commissioner and verification that it meets the requirements of this Bylaw, including but not limited to the following:*

- a. One of the dwelling units shall be occupied by the owner(s) of the principal one family detached dwelling as their principal residence. Neither unit may be used for accessory lodging under the provisions of Section 5.01.*
- b. The supplemental apartment shall not be occupied by more than three (3) adult residents.*
- c. The supplemental apartment and property shall be operated in accordance with a Management Plan submitted to and approved by the Building Commissioner. Upon any change in ownership, a new Management Plan shall be filed in a timely manner with the Building Commissioner for review and approval.*
- d. Any dwelling unit on the property being rented shall be registered and permitted in accordance with the Residential Rental Property Bylaw.*
- e. Parking shall be provided and designed in accordance with Article 7 of this Bylaw.*
- f. All exterior lighting shall be designed and installed so as to be shielded or downcast, and to avoid light trespass onto adjacent properties.*
- g. On-site storage and management of waste and recycling shall occur on the interior of the dwelling or within an attached garage or other accessory outbuilding. There shall be no freestanding dumpster or storage unit associated with a property regulated under this section, except on a temporary basis in association with construction or similar temporary purposes.*
- h. A reflective street address sign for each unit shall be installed at the street in a manner ensuring their visibility for public safety personnel from any approach.*

*Any Supplemental Apartment I which in the judgment of the Building Commissioner does not meet these requirements shall require a Special Permit from the Zoning Board of Appeals.*

- 2. Supplemental Apartment II - A supplemental apartment which involves significant changes to the existing one family detached dwelling, including but not limited to external fire escape structures, exterior additions not*

*exceeding ten percent (10%) of the footprint of the habitable portions of the existing building, and other similar changes which result in a significant alteration to the appearance and function of the building or site. A Supplemental Apartment II shall require a Special Permit granted by the Zoning Board of Appeals in the R-G, R-VC, R-N, R-O, and R-LD Districts.*

**5.0111 Supplemental Detached Dwelling Unit**

*A supplemental detached dwelling unit shall be a small freestanding accessory one family detached dwelling permitted to co-occur on a residential property as supplemental and incidental to a one family detached dwelling. A supplemental detached dwelling unit may be the result of new construction or rehabilitation of an existing structure resulting in a unit meeting the general requirements of this section.*

*Supplemental detached dwelling units shall require a Special Permit from the Zoning Board of Appeals in the R-G, R-VC, R-N, R-O, and R-LD Districts.*

**5.0112 General Requirements. The following standards shall apply to supplemental dwelling units (supplemental apartments and supplemental detached dwelling units):**

There shall ~~not~~ be *not less than 350 square feet nor* more than 800 square feet of ~~gross floor area~~ *habitable space* in any supplemental ~~apartment~~ *dwelling unit*, except that any ~~such apartment~~ *dwelling unit* built and maintained as fully accessible under the provisions of the Americans with Disabilities Act (ADA) may include a maximum of 900 square feet in ~~gross floor area~~ *habitable space*.

~~Any single~~ *No one* family *detached* dwelling in which a supplemental apartment is constructed *or upon the property of which a supplemental dwelling unit is built* shall ~~not~~ *may* be used simultaneously for accessory lodging under any provision of Section 5.010, *nor shall any supplemental dwelling unit built upon the property of such a one family dwelling be so used.*

One of the dwelling units *on the property* shall be occupied by the owner(s) of the principal ~~single~~ *one* family residence, which requirement shall be made a condition of any Special Permit issued under this section.

Notwithstanding the provisions of ~~Section 12.14~~ Article 12, a supplemental ~~apartment~~ *dwelling unit* shall be occupied by a total of no more than three (3) ~~people~~ *adult residents*.

*The design review principles and standards established under Section 3.204 shall be applied to all accessory uses under this section, and the review and recommendation of the Design Review Board may be sought by the Building Commissioner, Permit Granting Board, or Special Permit Granting Authority.*

**B. Amend Section 3.3241, 9., of Converted Dwellings, as follows:**

9. No detached structure shall be converted under the provisions of Section 3.3241 unless it abides by the provisions of Condition 5. above and upon completion provides at least 350 square feet of habitable space. ***Conversion of a detached structure alone may qualify as a supplemental detached dwelling unit if it meets the requirements established under Section 5.011.***

**ARTICLE 29. Restrictive Covenant - 284 North Pleasant Street (Planning Board)**

To see if the Town will vote to authorize the Select Board to accept a revised covenant governing the range of allowable uses on the property of 284 North Pleasant Street (Map 11C/Parcel 174) by deleting the ~~lined out~~ language and adding the language in ***bold italics***, as follows:

Notwithstanding the zoning designation of the subject premises and any uses allowed thereby under the Amherst Zoning Bylaw, as such bylaw may be amended from time to time, the use of the premises shall be limited on the first floor to the following:

***Medical or dental offices***, chiropractic offices and ***offices of alternative/integrative medicine, as well as*** related medical ***and therapeutic*** services for the treatment of patients in person ~~and principally~~ ***predominantly*** by appointment; and

non-profit educational or religious uses as permitted under G.L. Ch. 40A, s3; and

***for-profit trade, professional, or other educational institution; and***

***real estate, insurance or other business or professional offices providing services to the public in person on the premises, not to include banks; and***

***technical and professional offices providing services in person on the premises predominantly by appointment, and administrative business offices not providing services to the general public in person on the premises.***

and shall be limited on the upper floor and basement to residential use.

**ARTICLE 30. Petition – Restrictive Covenant - 284 North Pleasant Street (Ewert et al)**

To see if Town Meeting will vote to authorize the Select Board to accept a revised covenant governing the range of allowable land uses on the property of 284 North Pleasant Street (Map 11C/Parcel 174), by adding (after the words “under GL. c. 40A, s3”) the language in bold italics, as follows:

***and other office uses, including those office uses listed in the Amherst Zoning Bylaw at 3.358, and at 3.359, and at 3.360, and offices of Complimentary/Alternative/Integrative health care providers which are not specifically listed in the Amherst Zoning Bylaw, and offices of for profit professionals as listed in the Amherst Zoning Bylaw at 3.332.***

**ARTICLE 31. Multi-Year Cell Phone Tower Agreement (Select Board)**

To see if the Town will vote to authorize the Town Manager to enter into a lease with Bell Atlantic Mobile of Massachusetts Corporation, Ltd. d/b/a Verizon Wireless, pursuant to which the Town will lease to Verizon, for telecommunications purposes, approximately 10,000 square feet of the Town-owned parcel of land located at 740 Belchertown Road, said lease to be for a term of no more than twenty (20) years, and further to authorize the Select Board to grant such access, utility and related easements on the parcel of land as may be necessary or convenient to serve the telecommunications facilities thereon.



**ARTICLE 32. Acquisition of Easements – Triangle and East Pleasant St Intersection  
(Select Board)**

To see if the Town will vote to authorize the Select Board to acquire, by gift, purchase, and/or eminent domain, in connection with the Triangle and East Pleasant Streets Intersection project, for public way and sidewalk purposes, permanent easements in, on, under the properties identified below and shown on a plan entitled, “Town of Amherst Triangle Street At East Pleasant Street, Conceptual Plan March 2014,” on file with the Town Clerk;

<u>Owner</u>	<u>Address</u>	<u>Map and Parcel</u>
BAY BANK VALLEY TRUST CO. C/O BANK OF AMERICA/CORP	75 East Pleasant Street	11C-322
BROWN, JEFFERY B TRUSTEE OF BGB RLTY TRU	231 Triangle Street	11C-265

**ARTICLE 33. Grant of Easements - Meetinghouse Road in Pelham (Select Board)**

To see if the Town will vote to transfer certain Town-owned property, described below, held by the Select Board for water supply purposes, to the Select Board for water supply purposes and for the purpose of conveyance of certain permanent and temporary easements, as described hereinafter, and to authorize the Select Board, in its capacity as the Board of Water Commissioners, to grant to the Town of Pelham, for no consideration, permanent and temporary easements on the Town-owned parcels shown on a plan entitled “Massachusetts Department of Transportation Highway Division Plan and Profile of Meetinghouse Road,” a copy of which is on file with the Town Clerk, and within an area 100 feet distant from the easements shown on the aforesaid plan, for the purpose of reconstructing and improving two bridges, including, but not limited to, bridge, wall, slope and erosion control easements, said bridges located on Meetinghouse Road, the first bridge over Amethyst Brook, the second bridge over Harris Brook, which easements will encumber the following Town-owned parcels: Assessor Map 8, Parcel 15, described in a deed recorded with the Hampshire Registry of Deeds in Book 910, Page 436; Assessor Map 8, Parcel 4, described in deeds recorded in Book 854, Page 376 and Book 859, Page 154; and Assessor Map 8, Parcel 5, described in deeds recorded in Book 921, Page 525 and Book 636, Page 589.

**ARTICLE 34. General Bylaw – Establishment of Municipal Affordable Housing Trust  
(Housing and Sheltering Committee)**

To see if the Town will vote to accept M.G.L. c.44, §55C, and establish a Municipal Affordable Housing Trust Fund to be known as the Amherst Affordable Housing Trust Fund (“the Trust”), whose purpose shall be to provide for the creation and preservation of affordable housing for the benefit of low and moderate income households, and further to amend the General Bylaws of the Town by inserting a new Bylaw in Article IV to be entitled “Amherst Affordable Housing Trust Fund,” as follows:

## AMHERST AFFORDABLE HOUSING TRUST FUND

1. There shall be a Board of Trustees of the Amherst Affordable Housing Trust Fund, composed of seven members, of whom one shall be a member of the Select Board, one shall be a member of the Housing & Sheltering Committee, one shall be a member of the Board of Commissioners of the Amherst Housing Authority, and four shall be residents who would bring to the Trust relevant experience in the fields of real estate, housing, banking, architecture, social services, or the like. The Select Board shall appoint the Trustees for terms not to exceed two years, except that three of the initial trustee appointments shall be for a term of one year, so as to allow staggered terms. Said Trustees may be re-appointed at the discretion of the Select Board. Vacancies shall be filled by the Select Board for the remainder of the unexpired term. Any member of the Board of Trustees may be removed by the Select Board for cause after the opportunity of a hearing. Nothing in this section shall prevent the Select Board from appointing the Town Manager as an ex-officio eighth member, without the power to vote.
2. The Trustees are hereby authorized to execute a Declaration of Trust and Certificate of Trust for the Amherst Affordable Housing Trust Fund, to be recorded with the Hampshire County Registry of Deeds and filed with the Hampshire Registry District of the Land Court.
3. The powers of the Board of Trustees, all of which shall be carried on in furtherance of the purposes set forth in M.G.L. c. 44, § 55C, shall include the following:
  - a. to accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the trust in connection with any ordinance or by-law or any general or special law or any other source, including money from M.G.L. c. 44B;
  - b. to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;
  - c. to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to trust property as the Board deems advisable notwithstanding the length of any such lease or contract;
  - d. to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Board engages for the accomplishment of the purposes of the Trust;
  - e. to employ advisors and agents, such as accountants, appraisers and lawyers as the Board deems necessary;
  - f. to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Board deems advisable;
  - g. to apportion receipts and charges between incomes and principal as the Board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;

- h. to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;
  - i. to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Board may deem proper and to pay, out of Trust property, such portion of expenses and compensation of such committee as the Board may deem necessary and appropriate;
  - j. to carry property for accounting purposes other than acquisition date values;
  - k. to borrow money on such terms and conditions and from such sources as the Board deems advisable, to mortgage and pledge trust assets as collateral;
  - l. to make distributions or divisions of principal in kind;
  - m. to comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the Board may deem appropriate;
  - n. to manage or improve real property; and to abandon any property which the Board determined not to be worth retaining;
  - o. to hold all or part of the Trust property uninvested for such purposes and for such time as the Board may deem appropriate; and
  - p. to extend the time for payment of any obligation to the trust.
  - q. to take any other action relative thereto.
4. These powers shall be subject to the following limitations:
    - a. any purchase, sale, lease, exchange, transfer or conveyance of any interest in real property must be approved by five of the seven voting members.
    - b. the Trustees may incur debt, borrow money, grant mortgages and pledge Trust assets only in an amount not to exceed 80% of the Trust's total assets.
    - c. any debt incurred by the Board shall not constitute a pledge of the full faith and credit of the Town of Amherst and all documents related to any debt shall contain a statement that the holder of any such debt shall have no recourse against the Town of Amherst with an acknowledgement of said statement by the holder.
  5. The Board of Trustees shall provide for an annual audit of the books and records of the Trust. Such audit shall be performed by an independent auditor in accordance with accepted accounting practices. Upon receipt of the audit by the Board of Trustees, a copy shall be provided forthwith to the Select Board.

### **ARTICLE 35. Resolution - Right to Organize (Human Rights Commission)**

To see if the Town will vote to adopt the following resolution:

WHEREAS, the Universal Declaration of Human Rights declares at Article 23(4): Everyone has the right to form and to join trade unions for the protection of their interests; and

WHEREAS, unions have historically helped to bring economic and social democracy to American society; and

WHEREAS, the Town of Amherst, wishes to promote respect for human rights, including workers' freedom to form unions without employer interference and bargain collectively, and has a history of support for the freedom to form unions and the important public benefits inherent in collective bargaining; and

NOW THEREFORE, BE IT RESOLVED THAT the Amherst, Massachusetts Town Meeting

1. Supports the rights of workers to organize and bargain collectively.
2. Calls upon employers to:
  - a. Recognize the rights of those who work for them either directly or indirectly (under contractual arrangements) to be treated with dignity, to be paid a living wage, and to work in a healthy, safe, and secure workplace; and
  - b. Respect that the question to unionize or not is for employees to decide, and agree not to express an opinion either pro or con on the merits of unionization; and
  - c. Abide by their employees' decision when a majority indicates (by card check, an election supervised by the NLRB or other neutral body, petition, or other public statement) that it supports union representation, and engage in collective bargaining to achieve a written agreement without undue delay; and
  - d. Refrain from abusing National Labor Relations Board elections and appeals by using them as means for delaying or avoiding representation for their employees; and
  - e. Refrain from abusing the rights of undocumented immigrant workers; and

Be it further resolved that the Human Rights Commission will support attention to workers' human rights in accordance with the Universal Declaration of Human Rights Article 23 which refers to workers' rights.<sup>1</sup>

Each year the local chapter of the Western Massachusetts Workers' Rights Board shall provide the Human Rights Commission with a list of employers who respond affirmatively to Section 1 and 2 above. The Human Rights Commission shall examine the list and convey it to the Amherst Town Manager for public announcement.

**Article 23.** (1) Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against underemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favorable remuneration ensuring for themselves and their family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of their interests.

#### **ARTICLE 36. Petition – Drones (Gatti et al)**

WHEREAS, the use of Unmanned Aircraft System (UAV's) often referred to as "Drones" raises far-reaching issues concerning the use of targeted governmental killings, and the real danger of the loss of constitutional protections, democracy and the rule of law.

WHEREAS, Drones have been used intentionally to kill people in foreign lands including at least two American citizens, without a public judicial process.

WHEREAS, such a use of lethal force without due process is a misuse of governmental powers specifically prohibited in the United States Constitution.

WHEREAS, drone technology is unreliable in its accuracy such that many non-targeted people including children have been killed in the process of extrajudicial targeted assassinations.

WHEREAS, drone aircraft is now being presented as usable in domestic law enforcement, including Drones being armed with weapons, including tear gas, rubber bullets and firearms to be used by domestic law enforcement agencies.

WHEREAS, drone technology as a means of data collection, has the potential of the misuse of such data such a loss of privacy and civil liberties; the data collected by Drones would represent an unreasonable and unacceptable violation to the rights of individual privacy, freedom of association and assembly, equal protection and due process.

NOW, THEREFORE, BE IT RESOLVED, that this Resolution declares that no agency of the town of Amherst, nor any agents under contract with the town, will operate Drones capable of violating the constitutional rights of the residents in the airspace over Amherst.

BE IT FURTHER RESOLVED, that, it is the policy of the town of Amherst that no Drones will be purchased, leased, borrowed, obtained through law enforcement grants, tested or otherwise utilized by Amherst for the purpose of surveillance or to cause harm or injury.

BE IT FURTHER RESOLVED, that the town of Amherst request its representatives, Congressman, Jim McGovern and Senators, Elizabeth Warren and Ed Markey, to introduce a resolution in the United States Congress to end the practice of extrajudicial killing by armed drone aircraft, to specifically withhold money for that purpose and make restitution to those who have been killed or injured through the actions of the United States government, the Department of Defense, the Central Intelligence Agency, allied nations or its private contractors.

#### **ARTICLE 37. Petition – Amend Town of Amherst Community Preservation Act Acceptance (O'Connor et al)**

To see if the Town will vote to further amend the vote taken under Article 2 of the Special Town Meeting held on February 12, 2001, by increasing by one and one-half percent to three percent the Community Preservation Act surcharge authorized thereunder, and insofar as the laws of the Commonwealth may allow, dedicate the funds derived from said surcharge increase, including any corresponding increase in state matching funds, to the preservation, production and acquisition of Chapter 40B countable housing for families and individuals, and to place on the ballot for the November 2014 General Election a question regarding the acceptance of such amended surcharge all as provided in M.G.L. c. 44B, §§ 3(b) and 16(a).

**ARTICLE 38. Petition – 40 Dickinson Street (O’Connor et al)**

To see if the town will vote to authorize the Select Board:

a) to acquire from the Trustees of Amherst College or their successor, by eminent domain, purchase, gift or otherwise, the fee simple interest in 1) the land and improvements located at 40 Dickinson Street, identified as Parcel 52 of Map 14B of the Town Cadastre, formerly the site of Classic Chevrolet, comprising 0.72 acres more or less, and 2) the land at the northeast corner of Dickinson and College Streets, identified as Parcel 51 of Map 14B of the Town Cadastre, comprising 0.92 acres more or less, for economic development and revitalization, and other municipal purposes, and for the purpose of conveyance, and to fund such acquisition appropriate an amount of \$750,000, and determine whether to meet such appropriation by taxation, the transfer of available funds, by borrowing, or otherwise and further to authorize the Select Board and the Town Manager to apply for and accept any gifts, bequests, or grants from the federal government, the Commonwealth of Massachusetts or otherwise and further authorize the Treasurer, with the approval of the Select Board, to borrow in anticipation of reimbursement for any such grants; and,

b) to declare as surplus and authorize for sale in accordance with the provisions of Chapter 30B. the land and improvements located at 40 Dickinson Street; identified as Parcel 52 of Map 14B of the Town Cadastre, and the land at the northeast corner of Dickinson and College Streets, identified as Parcel 51 of Map 14B of the Town Cadastre, subject to the following restrictions:

1. that the sale and reuse enhance the transportation , energy , and other sectors of a green economy ;
2. that the minimum sale price recover all town costs for acquisition and resale;
3. that said properties not be sold or resold, transferred, or otherwise be tendered to any entity which could claim exemption from the payment of local property taxes;

and, further, that the town act in accordance with the preceding authorization as immediately as is possible after acquiring said parcels and improvements.

**ARTICLE 39. Petition –24-30 Gatehouse Road (Weiss et al)**

To see if the Town will authorize the Select Board to acquire from Echo Gatehouse Partners, LLC or their successors, by eminent domain, purchase, gift or otherwise, the fee simple interest or an affordable housing restriction in the land and improvements located at 24-30 Gatehouse Road, identified as Block 2, Parcel 21 of Map 18A of the Town Cadastre, known as the Echo Village Apartments, and comprising of 24 housing units on approximately 0.37 acres of land, for affordable housing purposes and/or general municipal purposes, and for the purpose of conveyance, and borrow \$2,600,000 to fund such acquisition and costs related thereto, and authorize the Treasurer, with the approval of the Select Board to borrow said amount under and pursuant to Chapter 44 Section 7 of the Massachusetts General Laws or pursuant to any other enabling authority, and authorize the Select Board and the Town Manager to apply for and accept any gifts, bequests, or grants from the federal Government, the Commonwealth of Massachusetts and others, and, further, authorize the Select Board to convey said land and improvements or interest therein to the Amherst Housing Authority or other non-profit affordable housing management organization in accordance with the applicable provisions of the Massachusetts General Laws.

#### **ARTICLE 40. Petition – Low Income Tax Credit (O’Connor et al)**

To see if the Town will vote to authorize the Select Board to request a Special Act of the Legislature authorizing the Town of Amherst, notwithstanding any general or special law to the contrary, to establish a low-income property tax credit applicable to taxes collected under MGL Chapter 59 as follows:

- a. The Town of Amherst may grant a maximum real property tax credit of up to \$1,000 per unit, per fiscal year, on rental housing property qualifying for such credit under the Amherst Affordable Housing Preservation Program (hereinafter “AAHPP”).

The AAHPP would authorize the Town of Amherst’s Board of Assessors to implement a real property tax credit on Amherst rental properties not otherwise Chapter 40B countable whose owners have reduced rents to a level that preserves the availability of said rental housing units to families with moveable HUD Section 8 Housing Vouchers and Veterans Affairs Supportive Housing Vouchers (HUD\_VASH).

AAHPP real property tax credits may reduce the real property tax bill on a rental housing property by an amount equal to 75% of the difference between the Amherst Payment Standard for moveable HUD Section 8 Housing Vouchers and HUD’s Payment Standard for VASH Vouchers in the Greater Springfield Metropolitan Statistical Area and rents charged for similar or identical Amherst rental housing units owned by the applicant, except that no tax credit granted shall be greater than \$1,000 per housing unit.

Where an AAHPP rental housing property tax credit applicant owns no other similar or identical Amherst rental housing units, an AAHPP real property tax credit may reduce the real property tax bill on the applicant’s rental housing property by an amount equal to 75% of the difference between the Amherst Payment Standard for moveable HUD Section 8 Housing Vouchers and HUD’s Payment Standard for VASH Vouchers in the Greater Springfield Metropolitan Statistical Area and said rental property’s fair market rental as determined for similar or identical Amherst housing units by the Amherst Board of Assessors, except that no tax credit granted shall be greater than \$1,000 per housing unit.

All AAHPP real property tax credit applicants shall verify the moveable HUD Section 8 or VASH contract status for each and every Amherst rental housing unit on which a tax credit is claimed by submitting to the Town of Amherst Board of Assessors a copy of the contract or lease between the applicant or the applicant’s agent and the issuing/supervising housing authority or agency – which contract or lease shall be kept strictly confidential.

- b. AAHPP real property tax credits shall be made available for no fewer than 50 (fifty) Amherst rental housing units each and every fiscal year. However, in the event that insufficient funds are available to fully fund AAHPP tax credits in any given fiscal year, the Board of Assessors, after determining the tax credit for each individual rental housing unit, shall provide a pro-rated real property tax credit for each eligible rental housing unit based on the funds appropriated for the AAHPP for that fiscal year.
- c. The Town may fund the costs of AAHPP tax credits from rental permit fees, any payments made in lieu of providing affordable housing units, Community Preservation Act funds, any general fund revenues including property tax receipts, and any grants, gifts, or bequests received for this purpose.

**ARTICLE 41. Petition – Resolution for Support of House 1167 (O’Connor et al**

To see if the Town will vote:

Whereas, families who hold moveable Section 8 Housing Vouchers and reside in Amherst do not count toward the Town’s Chapter 40B inventory of affordable housing; and,

Whereas, approximately 50% of the almost 400 moveable Section 8 Housing Vouchers presently administered by the Amherst Housing Authority are held by families who do not live in Amherst; and,

Whereas, the Town of Amherst is on the brink of falling below the MGL Chapter 40B countable affordable housing minimum of 10% - which would trigger various punitive provisions of Chapter 40B including allowing the Zoning Board of Appeals to approve so-called “affordable housing projects” by votes of 2-1 and, for such projects, allow the ZBA or a state appeals board to waive every provision of the Amherst Zoning Bylaw including the use, design and dimensional limitations of the Town’s zoning districts; and,

Whereas, House No. 1167, An Act relative to housing types considered affordable under Chapter 40B would amend MGL Chapter 40B by adding the following new section: “The Department of Housing and Economic Development shall include Section 8 Housing Vouchers in addition to already cited applicable housing types.”

Now, Therefore, Be It Resolved, that the Amherst Representative Town Meeting hereby requests: 1) that our State Senator and State Representative sponsor, support, and vote for House No. 1167; and, 2) that, when our approval of this resolution becomes final, the Amherst Town Clerk promptly deliver a certified copy of this resolution and the vote thereon to the Town’s representative to the General Court.

**ARTICLE 42. Petition - Rescind Sections 6a (2) and 7a. (1) a-c Residential Property Bylaw (O’Connor et al)**

To see if the Town will vote to suspend the operation and enforcement of Sections 6a.(2) and 7a.(1) a-c of the Town’s Residential Rental Property Bylaw as adopted under Article 29 of the 2013 Annual Town Meeting until such time as an ad hoc committee of eight Town Meeting Members appointed by the Moderator, of whom four shall be tenants – at least one an undergraduate student – and four shall be property owners – at least one a rental housing owner – shall review the Self-Certification Checklist developed by the Town, determine which items are susceptible to implementation with objective criteria that can be provided in writing to tenants and recommend modifications to the Checklist and the Bylaw consistent with their findings.

You are hereby directed to serve this call by posting attested copies thereof at the usual places:

Prec. 1 North Amherst Post Office	Prec. 6	Fort River School
Prec. 2 North Fire Station	Prec. 7	Crocker Farm School
Prec. 3 Immanuel Lutheran Church	Prec. 8	Munson Memorial Library
Prec. 4 Amherst Post Office	Prec. 9	Wildwood School
Prec. 5 Town Hall	Prec. 10	Campus Center, UMass

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said meeting.



Given under our hands on this 31st day of March, 2014.

Aaron A. Hayden  
James J. Wald  
Constance E. Kruger  
Alisa V. Brewer  
Andrew J. Steinberg  
Select Board

April 1, 2014

Hampshire, ss.

In obedience to the within warrant, I have this day as directed posted true and attested copies thereof at the above designated places, to wit:

Jennifer A. Reynolds  
Constable, Town of Amherst

**RESULTS**  
**ANNUAL TOWN MEETING**  
**April 28, 30, May 5, 7, 12, 14, 19, 21 and June 2, 2014**

The meeting was televised by Amherst Community Television and shown on the government channel.

There were 251 town meeting members. 126 checked in and a quorum was declared. The 256th Annual Town Meeting was called to order by the Moderator, James W. Pistrang at 7:07 p.m. The call and return of the warrant was read by Town Clerk, Sandra J. Burgess.

Newly elected and re-elected town meeting members were sworn to the faithful performance of their duties by the Moderator.

The Moderator congratulated those elected and re-elected to town wide office.

The Moderator asked Town Meeting to rise and observe a moment of silence in memory of those town meeting members who had passed away since the last town meeting. Town Meeting stood in recognition of Bill Hutchinson, Alice Carlozzi, and Ellen Goodwin.

Procedural Motions

Town Meeting voted unanimously to consider the Elementary and Regional School portions of Article 12 on May 7, 2014 at 7:05 p.m.

Town Meeting voted to consider Article 37 immediately following Article 20.

Town Meeting voted unanimously to consider Article 20, Part C, Affordable Housing Units at Rolling Green on June 2, 2014 at 7:05 p.m.

Town Meeting voted unanimously to consider Article 24, Inclusionary Zoning, on June 2, 2014 at 7:10 p.m.

The Moderator explained the purpose of and criteria used for inclusion of articles in the Consent Calendar. Articles 2, 3, 4, 7, 8, 10, and 13 were selected because they were considered to be routine articles, their meaning could be clearly explained in the Finance Committee Report, and it was reasonable to expect they would pass with no controversy.

Town Meeting voted unanimously: Articles 2 – To dismiss the Article; Article 3 – In terms of the Article; Article 4 – In terms of the Article; Article 7 – In terms of the Article; Article 8 – In terms of the Article; Article 10 – In terms of the Article; Article 13 – In terms of the Article.

**ARTICLE 1. Reports of Boards and Committees (Select Board)**

**VOTED unanimously** to hear those reports of Town officers, the Finance Committee, and any other Town boards or committees which are not available in written form.

**Action taken 4/28/14.**

[Andrew Steinberg gave a report for the Regional School District Planning Committee.]

**ARTICLE 2. Transfer of Funds – Unpaid Bills (Select Board)**

**VOTED unanimously to DISMISS**

[To see if the Town will, in accordance with Chapter 44, Section 64, of the Massachusetts General Laws, appropriate and transfer a sum of money to pay unpaid bills of previous years.]

**Action taken 4/28/14.**

**ARTICLE 3. Optional Tax Exemptions (Select Board)**

**VOTED unanimously** to authorize a maximum additional exemption of up to 100 percent for taxpayers qualifying for exemption under Chapter 59, Section 5, Clauses 17D, 22, 37A, or 41C of the Massachusetts General Laws.

**Action taken 4/28/2014.**

**ARTICLE 4. Authorization for Compensating Balances (Select Board)**

**VOTED unanimously** to accept the provisions of Chapter 44, Section 53F of the Massachusetts General Laws, which authorize the Treasurer to enter into written agreements with banking institutions pursuant to which the Treasurer agrees to maintain funds on deposit in exchange for banking services.

**Action taken 4/28/2014.**

**ARTICLE 5. Capital Program – Jones Library Feasibility Study (Library Trustees)**

**A.**

**VOTED** to authorize the Board of Trustees of the Jones Library to proceed with a feasibility study to examine the options for expanding and renovating its current library building, or building a new facility.

**Action taken 4/28/2014.**

*(A motion to refer the article back to the Library Trustees was defeated. A motion to amend the main motion by deleting the phrase “or building a new facility” was defeated)*

**B.**

**VOTED** to grant the Board of Trustees of the Jones Library the authority to apply for, accept, and expend any state grants which may be available for a feasibility study for the current and future needs of the Jones Library and to further vote to raise and appropriate \$25,000 for the purpose of making funds available to the Trustees to be able to apply for matching state grant funds for a Library Feasibility Study.

**Action taken 4/28/2014.**

**ARTICLE 6. FY 2014 Budget Amendments (Finance Committee)**

**A.**

**VOTED unanimously** to amend the action taken under Article 16 of the 2013 Annual Town Meeting Fiscal Year 14 Operating Budget by increasing the appropriations and the amounts to be raised by taxation for the following accounts by \$61,085: Public Safety by \$46,947, and Public Works by \$14,138 and to meet such increased appropriation by decreasing the appropriation and the amount to be raised by taxation for General Government by \$61,085.

**Action taken 4/28/2014.**

**B.**

**VOTED unanimously** to amend the action taken under Article 16 of the 2013 Annual Town Meeting Fiscal Year 14 Operating Budget by increasing the appropriations for the Public Safety account by \$54,000 and to meet such increased appropriation by transferring \$54,000 from the Ambulance Receipts Reserved for Appropriations account.

**Action taken 4/28/2014.**

**C.**

**VOTED unanimously** to amend the action taken under Article 17 of the 2013 Annual Town Meeting Fiscal Year 14 Operating Budget by increasing the appropriations for the Reserve Fund account by \$160,028.47 and to meet such increased appropriation by transferring \$160,028.47 from the Fund Balance Reserved for Overlay Surplus account.

**Action taken 4/28/2014.**

**D.**

**VOTED unanimously to DISMISS**

[To see if the Town will amend the action taken under Article 17 of the 2013 Annual Town Meeting (FY 2014 Reserve Fund) to appropriate and transfer a sum of money from Free Cash in the Undesignated Fund Balance of the General Fund to the Reserve Fund to balance the 2014 Fiscal Year.]

**Action taken 4/28/2014.**

**ARTICLE 7. Retirement Assessment (Select Board)**

**VOTED unanimously** to raise and appropriate \$4,204,149 for the Hampshire County Retirement System assessment.

**Action taken 4/28/2014.**

**ARTICLE 8. Regional Lockup Assessment (Select Board)**

**VOTED unanimously** to raise and appropriate \$35,928 for the Hampshire County Regional Lockup Facility assessment.

**Action taken 4/28/2014.**

**ARTICLE 9. Other Post-Employment Benefits (OPEB) Trust Fund (Finance Committee)**

**VOTED** to raise and appropriate \$100,000 for the OPEB Trust Fund established under the provisions of Section 20 of Chapter 32B of the Massachusetts General Laws.

**Action taken 4/28/2014.**

**ARTICLE 10. Revolving Fund Reauthorization (Finance Committee)**

**VOTED unanimously** to reauthorize a revolving fund pursuant to Chapter 44, §53E½ of the Massachusetts General Laws for the operation of an After School Program from which the receipts shall

be credited for expenditure by the LSSE department as authorized by the Department Head of the LSSE or his/her designee for supplies and services, including salaries and benefits of staffing, and related administrative costs for the program operation with a limit of \$400,000 that may be expended from said revolving fund in the fiscal year which begins on July 1, 2014.

**Action taken 4/28/2014.**

**ARTICLE 11. Amherst-Pelham Regional School District Assessment Method  
(Amherst-Pelham Regional School Committee)**

**VOTED unanimously** to approve following the existing Amherst-Pelham Regional School District Agreement for allocating the total amount to be contributed by each member town of the District for Fiscal Year 2015 as required by Section VI of the Regional Agreement.

**Action taken 4/28/2014.**

Kay Moran gave a report on behalf of the Finance Committee and John P. Musante presented the Town Manager report prior to consideration of Article 12.

**ARTICLE 12. FY 2015 Operating Budget (Finance Committee)**

**VOTED** to adopt a comprehensive operating budget for the ensuing year and raise and appropriate money therefor.

**COMMUNITY SERVICES**

**VOTED Yes 79, No 74** to raise and appropriate \$1,903,749 for Community Services.

**Action taken 4/28/2014.**

*(A motion to raise and appropriate \$1,778,749 for Community Services was made by the Finance Committee. Vincent O'Connor made a motion to increase the Community Services bottom line by \$125,000. In accordance with Section 7 of the Rules of Order for Town Meeting, Town Meeting voted first on the higher amount. Mr. O'Connor's motion to amend carried.)*

At 10:16 p.m. on Monday April 28, 2014, town meeting voted to adjourn to Wednesday, April 30, 2014 at 7:00 p.m. in the auditorium of the Amherst Regional Middle School. 183 town meeting members were checked in.

The April 30, 2014 session was called to order by the Town Moderator, James Pistrang, at 7:09 p.m. 127 town meeting members were checked in.

**Procedural Motion**

Town Meeting voted unanimously to consider Articles 17 and 18 on May 7, 2014 @ 7:10 p.m.

**CONSERVATION AND DEVELOPMENT**

**VOTED** to raise and appropriate \$1,161,383 for Conservation and Development.

**Action taken 4/30/2014.**

*(A motion was made by Vincent O'Connor to decrease the Planning and Development section of the FY2015 Operating Budget by \$100,000. In accordance with Section 7 of the Rules of Order for Town Meeting, Town Meeting voted first on the higher amount. Mr. O'Connor's motion failed by default.)*

**GENERAL GOVERNMENT**

**VOTED** to appropriate \$6,333,845 for General Government, that the salary of the Moderator be fixed at \$100, that of the Select Board at \$300 each, that of the Elector under the Oliver Smith Will at \$20, and that to meet such appropriation, \$6,225,572 be raised by taxation and \$108,273 be

transferred from the Ambulance Receipts Reserved For Appropriation Account.  
**Action taken 4/30/2014.**

#### **DEBT SERVICE**

**VOTED unanimously** to appropriate \$2,038,170 for payment of the Town's General Fund indebtedness, and to meet such appropriation \$1,856,897 be raised by taxation and \$181,273 be appropriated and transferred from Community Preservation Fund annual revenues.  
Action taken 4/30/2014.

#### **PUBLIC WORKS**

**VOTED unanimously** to raise and appropriate \$2,076,997 for Public Works.  
Action taken 4/30/2014.

#### **WATER FUND**

**VOTED unanimously** to appropriate \$3,801,288 for the Water Fund and that to meet such appropriation \$3,801,288 be made available from Water Fund revenues of the current year.  
Action taken 4/30/2014.

#### **SEWER FUND**

**VOTED unanimously** to appropriate \$3,803,569 for the Sewer Fund and that to meet such appropriation \$3,803,569 be made available from Sewer Fund revenues of the current year.  
Action taken 4/30/2014.

#### **SOLID WASTE FUND**

**VOTED unanimously** to appropriate \$491,133 for the Solid Waste Fund and that to meet such appropriation \$476,530 be made available from Solid Waste Fund revenues of the current year and \$14,603 be transferred from Solid Waste Fund Surplus.  
Action taken 4/30/2014.

#### **TRANSPORTATION FUND**

**VOTED unanimously** to appropriate \$716,717 for the Transportation Fund and that to meet such appropriation \$716,717 be made available from Transportation Fund revenues of the current year.  
Action taken 4/30/2014.

#### **PUBLIC SAFETY**

**VOTED** to appropriate \$9,596,952 for Public Safety and that to meet such appropriation \$7,212,392 be raised by taxation and \$2,384,560 be transferred from the Ambulance Receipts Reserved for Appropriation Account.  
Action taken 4/30/2014.

The May 7, 2014 session was called to order by the Town Moderator, James Pistrang, at 7:13 p.m. 127 town meeting members were checked in.

#### **Procedural Motion**

Town Meeting voted to consider Articles 25 through 30 beginning at 7:05 p.m. on Monday May 12, 2014.

#### **ELEMENTARY SCHOOLS**

**VOTED** to raise and appropriate \$21,490,563 for the Amherst Elementary Schools  
Action taken 5/7/2014.

### **REGIONAL SCHOOLS**

**VOTED** to approve the Amherst-Pelham Regional School District operating and capital budget of \$29,618,478 and that the Town raise and appropriate \$14,463,908 as its share of that budget  
Action taken 5/7/2014.

### **LIBRARY SERVICES**

**VOTED** to approve the Library Services operating budget of \$2,369,592, and that the Town raise and appropriate \$1,788,533 as its share of that budget.  
Action taken 4/30/2014.

### **ARTICLE 13. Reserve Fund (Finance Committee)**

**VOTED unanimously** to raise and appropriate \$100,000 for the Reserve Fund for FY 2015.  
Action taken 4/28/2014.

### **ARTICLE 14. Capital Program – Equipment (Joint Capital Planning Committee)**

**VOTED** to appropriate \$1,411,800 to purchase, repair, and/or install new or replacement equipment and to meet such appropriation \$1,065,200 be raised by taxation and \$346,600 be transferred from the Ambulance Receipts Reserved for Appropriation account.  
Action taken 4/30/2014.

### **ARTICLE 15. Capital Program – Buildings and Facilities (Joint Capital Planning Committee)**

**VOTED** to appropriate \$633,000 to repair and/or improve buildings and facilities and to meet such appropriation \$573,000 be raised by taxation and \$60,000 be transferred from the Fund Balance Reserved for Overlay Surplus account.  
Action taken 4/30/2014.

At 10:13 p.m. on April 30, 2014, town meeting voted to adjourn to Monday May 5, 2014 at 7:00 p.m. in the auditorium of the Amherst Regional Middle School. 174 town meeting members were checked in.

The May 5, 2014 session was called to order by the Town Moderator, James Pistrang at 7:10 p.m. 127 town meeting members were checked in.

### **ARTICLE 16. Capital Program – Bond Authorizations (Joint Capital Planning Committee)**

#### **A.**

**VOTED** by a declared two-thirds to appropriate \$700,000 for making repairs and improvements to the East St. School and to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to MGL Chapter 44, Section 7 or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.  
Action taken 5/5/2014.

#### **B.**

**VOTED** by a declared two-thirds to appropriate \$322,411 for purchasing two large mowers and a loader for the Public Works Department and to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to MGL Chapter 44, Section 7 or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

Action taken 5/5/2014

*(Shavahn Best made a motion to reduce the appropriation under Part B of Article 16 by \$100,000. In accordance with Section 7 of the Rules of Order for Town Meeting, Town Meeting voted first on the*

*higher amount. Ms. Best's motion failed by default.)*

**ARTICLE 17. Capital Program – Wildwood School Feasibility Study (School Committee)**

**VOTED by a declared two-thirds** to appropriate the amount of one million (\$1,000,000) Dollars for the purpose of paying costs of the Amherst Public School District/Wildwood Elementary Feasibility Study, Wildwood Elementary School, located at 71 Strong Street, Amherst, MA, including the payment of all costs incidental or related thereto, and for which the Town of Amherst may be eligible for a grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended under the direction of the Wildwood School Building Committee. To meet this appropriation the Amherst Treasurer, with the approval of the Amherst Select Board is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, or pursuant to any other enabling authority. The Town of Amherst acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town of Amherst incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town of Amherst, and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the Town of Amherst and the MSBA.  
Action taken 5/7/2014.

**ARTICLE 18. Debt Rescission (Finance Committee)**

**VOTED** to rescind the \$400,000 unissued amount voted under Article 21 at the 2013 Annual Town Meeting for repairs to the boiler at the Wildwood Elementary School.  
Action taken 5/7/2014.

At 10:05 p.m. on May 7, 2014, town meeting voted to adjourn to Monday, May 12, 2014 at 7:00 p.m. in the auditorium of the Amherst Regional Middle School. 165 town meeting members were checked in.

**ARTICLE 19. Watershed Land Purchase (Select Board)**

**VOTED unanimously to DISMISS**

[To see if the Town will vote to: (1) authorize the Select Board, in its capacity as the Board of Water Commissioners, to acquire by purchase, gift, or eminent domain, for water supply protection purposes, all or any portion of two parcels of land in the Town of Amherst, being identified as Parcels 39 and 21 on Amherst Assessors’ Map 3D, which portion shall contain twelve acres, more or less, (2) appropriate \$ \$700,000.00 for the acquisition of such land and costs related thereto, and, to meet such appropriation, transfer \$350,000.00 from the Water Fund Surplus; and (3) authorize the Select Board, the Town Manager, and/or such other boards as they deem appropriate, to file on behalf of the Town all applications under the Massachusetts Department of Environmental Protection Drinking Water Supply Protection Grant Program and/or other applications for funds, gifts, grants, including grants of reimbursement under any federal and/or other state program, in any way connected with the scope of this acquisition, and to enter into all agreements and execute any and all instruments to effectuate the foregoing acquisition, provided that the Select Board may expend such funds only if, prior to acquisition, the Town has received a commitment for funds under the Drinking Water Supply Protection Grant Program or any other federal and/or state program in an amount equal to at least fifty percent (50%) of the amount appropriated under this article, which may be in the form of a reimbursement grant.]

Action taken 5/5/2014.

**ARTICLE 20. Community Preservation Act (Community Preservation Act Committee)**

**A.**

**VOTED unanimously** to appropriate a sum of \$276,000 for Community Preservation Act Purposes as recommended by the Community Preservation Act Committee and that items 1- 7 be appropriAction taken 5/5/2014.

	Project	Total Appropriation	Source of Appropriation
	<b>AFFORDABLE HOUSING</b>		
1	Housing Choice Voucher Program	\$50,000	
2	Pioneer Valley Habitat for Humanity – Hawthorne Farm	80,000	
	Total Affordable Housing	\$130,000	FY 15 Estimated Revenues
	<b>HISTORIC PRESERVATION</b>		
3	332 West Street Barn Restoration	\$75,000	
	Total Historic Preservation	\$75,000	FY15 Estimated Revenues
	<b>OPEN SPACE</b>		
4	Conservation Restrictions	\$40,000	
5	Surveys & Appraisals	\$25,000	
	Total Open Space	\$65,000	FY15 Estimated Revenues
	<b>RECREATION</b>		
6	LSSE – Groff Park Wading Pool	\$4,000	
	Total Recreation	\$4,000	FY15 Estimated Revenues
	<b>ADMINISTRATIVE</b>		
7	CPAC Administrative Expenses	\$2,000	
	Total Administrative	\$2,000	FY15 Estimated Revenues
	<b>TOTAL FOR ARTICLE</b>	<b>\$276,000</b>	

Action Taken 5/5/2014

**B: OPEN SPACE – Belchertown Road Acquisition**

**VOTED** to: (a) authorize the Select Board to acquire by gift or purchase, for open space purposes, all or a portion of the two (2) parcels of land located off Belchertown Road, shown on Assessors Map 15C as Parcels 22 and 54, and containing 19.70 acres, and described in a deed recorded with the Hampshire County Registry of Deeds in Book 11596, Page 157, which land shall



be under the care, custody, management and control of the Conservation Commission under the provisions of G.L. c. 40, §8C; (b) appropriate the sum of \$150,950 for the acquisition of said land and costs related thereto, of which \$41,785 shall be transferred from the Community Preservation Act Fund Balance; (c) authorize the Select Board, the Town Manager, and/or the Conservation Commission, as they deem appropriate, to accept on behalf of the Town funds granted under the LAND Program (G.L. c. 132A, §11) and/or any other funds, gifts, grants, under any federal and/or other state program, in any way connected with the scope of this acquisition, and to enter into all agreements and execute any and all instruments as may be necessary or appropriate to effectuate the foregoing acquisition; and, further, (d) authorize the Select Board and/or the Conservation Commission to convey a restriction on said land in accordance with G.L. c. 184, as required by G.L. c. 44B, §12(a).

Action taken 5/5/2014.

Town Meeting voted to hear Article 37 immediately following Article 20, Part B.

**C: AFFORDABLE HOUSING Preservation of Affordable Housing Units at Rolling Green  
VOTED unanimously to DISMISS**

[To see if the Town will vote to: (a) authorize the Select Board to acquire by purchase, gift, and/or eminent domain, permanent affordable housing restrictions encumbering forty-one (41) or more units in the Rolling Green apartments, located at 422 Belchertown Road and shown on Assessors Map 18A as Lot 43, requiring said units to be used to provide housing to persons earning no more than eighty percent (80%) of the Springfield Area Median Income; (b) appropriate \$750,000 from the Community Preservation Fund for the purpose of acquiring, creating, and/or supporting said community housing, and authorize the Treasurer, with the approval of the Select Board, to issue any bonds or notes that may be necessary for such purposes pursuant to G.L. 44B, §11, G.L. c. 44, and/or any other enabling authority; and (c) authorize the Select Board and/or the Town Manager to apply for and accept gifts and/or grants in any way connected with the scope of this acquisition, and to execute any and all instruments as may be necessary or appropriate to effectuate the foregoing acquisition.]

Action taken 6/2/2014.

**ARTICLE 21. Social Services Funding (Finance Committee)  
VOTED to DISMISS**

To see if the Town will appropriate and transfer \$125,000 from Free Cash in the Undesignated Fund Balance of the General Fund for the following Social Services activities:

Agency	Program Description	Funding Recommended
Town of Amherst	Emergency Funds	\$20,000
Amherst Survival Center	Food Pantry Project	\$35,000
Craig's Doors	Emergency Homeless Shelter	\$70,000

Action taken 5/14/2014.

**ARTICLE 22. Free Cash (Finance Committee)**

**VOTED unanimously** to appropriate and transfer \$125,000 from Free Cash in the Undesignated Fund Balance of the General Fund to balance the 2015 Fiscal Year Budget.

Action taken 5/14/2014.

**ARTICLE 23. Stabilization Fund (Finance Committee)**

**VOTED unanimously to DISMISS**

[To see if the Town will appropriate and transfer a sum of money from the Stabilization Fund to balance the Fiscal Year 2015 Budget.]

Action taken 5/14/2014.

Town Meeting continued with discussion of Article 31.

**ARTICLE 24. Zoning – Inclusionary Zoning (Planning Board)**

**VOTED Yes 86, No 70 to refer back to Planning Board**

[To see if the Town will amend Articles 4, 12, and 15 of the Zoning Bylaw by deleting the ~~lined out~~ language and adding the language in *bold italics*, as follows:

**A. Amend Article 12 by amending the following definition:**

- 12.24 Housing, Affordable: Affordable housing units are units which may be rented or purchased by those who meet the guidelines for maximum annual income for low-income ~~or moderate-income families~~ *or households*. ~~The income limit for low income shall be (80% of the median income for Amherst, as calculated by the U.S. Department of Housing and Urban Development or any successor agency), adjusted for family size, and eligible and countable for the purpose of the Commonwealth's 40B Subsidized Housing Inventory (SHI) or its successor. and the income limit for moderate income shall be 120% of median income for Amherst.~~

~~Median income for Amherst shall be as calculated by the U.S. Department of Housing & Urban Development, or any successor agency and shall be adjusted for family size.~~

**B. Amend Article 15, as follows:**

**SECTION 15.0 INTENT & PURPOSE**

The purpose of this Article is to promote the general public welfare, including but not limited to ensuring an economically integrated and diverse community, by maintaining and increasing the supply of affordable and accessible housing in the Town of Amherst. This purpose includes:

- 15.00 Ensuring that new residential development generates affordable housing as defined in ~~Section 12.20~~ *Article 12*.
- 15.01 Ensuring that affordable housing created under this section remains affordable over the long term, with the majority of such housing remaining affordable in perpetuity, except as may be otherwise required under state or federal programs.
- 15.02 Maintaining a full mix of housing types and unrestricted geographic distribution of affordable housing opportunities throughout Amherst.
- 15.03 To the extent allowed by law, ensuring that preference for new affordable housing is given to eligible persons who live or work in Amherst.

## SECTION 15.1REGULATIONS

### 15.10 *Affordable Housing Requirements*

**15.100** *For the purposes of this Bylaw, all contiguous parcels held in common as of September 1, 2013 shall be considered a single property for the purposes of the application of inclusionary requirements hereunder.*

**15.101** All residential ~~uses and~~ developments requiring a Special Permit and resulting in a ~~net increase in additional new~~ dwelling units *eligible to be counted as year round housing units under the U.S. Census, M.G.L. Chapter 40B and the regulations of the Massachusetts Department of Housing and Community Development with regard to the Subsidized Housing Inventory (SHI), whether as a result of new construction, renovation, redevelopment or expansion of existing residential uses or developments*, shall provide affordable housing units (*see definition, Article 12*) at the following minimum rates.

#### **15.1010Inclusionary Requirements**

<u>Total Development Net Increase In Unit Count</u>	<u>Required Affordable Unit Provision</u>
1-9 units	None
10-14 units	Minimum one (1) dwelling
unit	
15-20 units	Minimum two (2) dwelling
units	
21+ units	Minimum 12% of total unit
count	
<b>10 or more units</b>	
<b>Single family development only</b>	<b>Minimum 10% of total unit count</b>
<b>Other uses/developments in B-G District</b>	<b>Minimum 10% of total unit count</b>
<b>Other uses/developments in other districts</b>	<b>Minimum 15% of total unit count</b>

While provision of affordable units is not required for *residential uses or* developments containing 1-9 units under this section, the Bylaw encourages affordability and provides for incentives. See Sections ~~4.33 and 4.55~~ 4.13.

~~Where two or more units are required to be provided under this section, a minimum of forty nine percent (49%) of affordable units shall be eligible and countable for the purpose of the Commonwealth's 40B Subsidized Housing Inventory (SHI) or its successor. Calculation of the number of total affordable units or the number of SHI-eligible units shall, if the required percent of the total results in a fraction, be rounded up to the next whole number where the fractional portion is equal to 0.5 or greater, and shall be rounded down to the next whole number where the fractional portion is less than 0.5.~~

**15.1011**     *Modification of Dimensions. For all residential use categories and development methods required to provide a minimum of 10% affordable dwelling units, the dimensional regulations of Table 3 may be modified by the Permit Granting Board or Special Permit Granting Authority under the provisions of this section for compelling reasons of development function and site design consonant with the purposes of this Bylaw, including for the purpose of accommodating additional units permitted as cost offsets (see Section 15.110).*

**15.102**     *Options for Provision – The manner in which affordable units are provided shall be approved by the Permit Granting Board or Special Permit Granting Authority, which may allow the following options:*

**15.1020**     *Units constructed or rehabilitated on the property or properties of the residential use or development, or;*

**15.1021**     *Units constructed or rehabilitated on one or more off-site properties other than that of the residential use or development, or;*

**15.1022**     *An equivalent payment to the Town or its designee of fees-in-lieu-of the provision of affordable units (see Section 15.104) to be determined by the Permit Granting Board or Special Permit Granting Authority, or;*

**15.1023**     *Donations to the Town or its designee of land in fee simple, on- or off-site, that is suitable for the construction of affordable housing units where the appraised value of the donated land shall be equal to or greater than the value of the construction or set-aside of the affordable units. If accepted, said land may be used for construction of affordable housing or leased for that purpose, or may be sold and the proceeds used for purpose of constructing affordable housing; or*

**15.1024**     *A combination of two or more of the above four options acceptable to the Permit Granting Board or Special Permit Granting Authority.*

**15.103**     *Timing of Units*

**15.1030**     *The provision of affordable units, whether on-site or off-site, shall be coincident to the development of the market-rate units, or in accordance with an alternate schedule approved by the Permit Granting Board or Special Permit Granting Authority under the provisions of the Rules and Regulations of the Planning Board.*

**15.104**     *Fees-in-Lieu-of the Provision of Affordable Housing Units*

**15.1040**     *Authorization. An applicant may, at the discretion of the Permit Granting Board or Special Permit Granting Authority, contribute funds to the Town of Amherst or its designee to be used for the development or preservation of affordable housing in lieu of constructing and offering affordable units within the property of a proposed development, or any of the other options listed under Section 15.103.*

**15.1041** *Calculation of fee-in-lieu-of unit value. For each affordable unit not constructed or provided through one or a combination of the methods specified in Section 15.102, the fee shall be an amount equal to three (3) times the eighty percent (80%) Median Household Income for a four person household for Amherst, as calculated by the U.S. Department of Housing and Urban Development or any successor agency. In the B-G District only, for each affordable unit not constructed or provided on the subject property, the fee shall be an amount equal to one (1) time the eighty percent (80%) Median Household Income for a four person household for Amherst.*

**15.1042** *Schedule of fees-in-lieu-of-units payments. Fees-in-lieu-of affordable unit payments shall be made according to a schedule agreed upon by the Permit Granting Board or Special Permit Granting Authority and the applicant.*

#### **15.11 Cost Offsets**

**15.110** ~~Affordable and accessible dwelling units provided under Section 15.10 shall be counted as meeting the requirements for density bonuses under the provisions of Section 4.55, Density Bonuses, of this Bylaw.~~ *In furtherance of the objectives of this Bylaw, the following additional cost offsets are allowed in exchange for the provision of required affordable housing units, where affordable units are constructed or rehabilitated as part of the proposed residential use or development on the property or properties of said use or development, and/or on properties within 300 feet thereof. Cost offsets shall not be available in association with affordable units whose provision is accomplished through any means other than the direct construction or rehabilitation of units on the subject property for a development. For the provision of affordable units in amounts greater than the minimum percentages required under Section 15.1010, the applicant may request, and the Permit Granting Board or Special Permit Granting Authority may approve, additional cost offsets in the form of additional market rate units as provided under Section 5.111.*

**15.111** *Two (2) additional market rate dwelling units may be added for every one (1) affordable unit provided under the provisions of Section 15.1010, above and beyond the maximum number of units otherwise permitted, up to a maximum total project unit count for the residential use or development method of fifty (50) dwelling units, including offset units. For every unit above a total project unit count of fifty (50) dwelling units, one (1) additional market rate dwelling unit may be added for every one (1) affordable unit provided.*

**15.112** *Mixed-use Districts Dimensional Modifications. In the following mixed-use business districts, the space requirements of cost offset units shall be accommodated through the following alternative dimensional requirements, which shall apply only to projects providing affordable units under this section:*

<u>District</u>	<u>Maximum Building Coverage (%)<sup>o</sup></u>	<u>Maximum Lot Coverage (%)</u>
<i>B-G</i>	<i>85<sup>a</sup></i>	<i>95<sup>a</sup></i>
<i>B-VC</i>	<i>50<sup>a</sup></i>	<i>75</i>
<i>B-N</i>	<i>50<sup>a</sup></i>	<i>70<sup>a</sup></i>

*For all other dimensional requirements, the provisions of Table 3 shall apply. See Table 3 for applicable footnotes.*

**15.113 Attached Units.** *In the R-N, R-O, and R-LD Districts, attached residential uses consisting of a building of three (3) or more dwelling units shall be permitted in residential developments that include at least 10% affordable units. The maximum number of dwelling units allowed per attached building shall be as follows:*

<i>R-N</i>	<i>Not to exceed eight (8) units</i>
<i>R-O</i>	<i>Not to exceed six (6) units</i>
<i>R-LD</i>	<i>Not to exceed four (4) units.</i>

15.12 The applicant shall establish such housing restrictions, conditions, and/or limitations as are necessary to ensure that the affordable housing units provided under this section will be permanently available C. VOTED unanimously for purchase *or rent* by eligible low-~~and moderate-income buyers~~ *and renters in perpetuity*, and available for a minimum of twenty years in the case of rental housing, *or as otherwise allowed by law.*

15.13 Housing constructed by a public agency or non-profit corporation using a federal, state, or local housing assistance program may adhere to the requirements set forth by the funding agency provided that the purposes of these regulations are met.

15.14 In any residential development, *on-site* affordable housing units shall be dispersed throughout the development, *as determined to be appropriate by the Permit Granting Board or Special Permit Granting Authority*, and *in all cases affordable housing units* shall be comparable to market rate units in terms of the quality of their design, materials, and general appearance of their architecture and landscape *treatment.*

**C. Amend Article 4, Development Methods, to amend Sections 4.3, 4.4, and 4.5, as follows:**

**For Cluster Developments:**

4.321 The total area of land included within the development shall be five acres or more, *except that for a cluster development including a minimum of 10% affordable units the minimum land area requirement shall be as follows:*

<i>R-G</i>	<i>Two (2) acres or more</i>
<i>R-VC</i>	<i>Two (2) acres or more</i>
<i>R-N</i>	<i>Three (3) acres or more</i>
<i>R-O</i>	<i>Four (4) acres or more</i>
<i>R-LD</i>	<i>Four (4) acres or more.</i>

4.323 Density/Setbacks

4.3230 Unless otherwise provided for, the Dimensional Regulations of Table 3 shall be complied with.

4.3231 ***Except as provided under Article 15,*** ~~the maximum density of a cluster subdivision, except for an affordable cluster,~~ shall not exceed the allowed density for a standard subdivision in any zoning district, said density to be calculated by taking the parcel area, subtracting 10% of that area and dividing that number by the minimum lot area of the zoning district in which the parcel is located. See Section 4.12. In addition, ***except as provided under Article 15,*** it is the intention of this Section that ~~the a~~ cluster subdivision ***development*** not result in more lots than would be approved for a standard subdivision under a Definitive Subdivision Plan, except as may otherwise be authorized under this Bylaw.

4.3232 The Planning Board may reduce the frontage requirements for not more than 50 percent of the lots in the subdivision.

4.325 A minimum of 40% of the total dwelling units shall be single-family dwellings. A minimum of 20% of the total dwelling units shall be non-zero lot line, single family dwellings. A maximum of 60% of the dwelling units may be two-family dwellings. A maximum of 30% of the total dwelling units may be attached dwellings. ***Attached units shall only be allowed in cluster developments that include affordable units.*** There shall be no more than eight attached dwelling units allowed in one building. ***See Article 15.***

4.33 ~~Affordable Units~~ ***Affordability Requirements***

[Remove the entirety of this section, and replace it with the following.]

***Cluster developments containing 10 or more dwelling units shall be governed by the provisions of Article 15.***

**For Planned Unit Residential Developments (PURDs):**

4.421 In a Planned Unit Residential Development the following requirements relating to the density and intensity of land use shall be met: ***For PURDs containing 10 or more units, the requirements of Article 15 shall apply.***

**For Open Space Community Developments (OSCDs):**

4.52 Density Standards

4.520 The maximum density allowed in an Open Space Community Development shall be calculated as follows:.....

Divide the remaining buildable land area by the minimum lot area required under the applicable zoning district(s). ***For OSCDs containing 10 or more units, the***

*requirements of Article 15 shall apply.*

4.53 Dimensional Standards

**4.537** *For OSCDs containing 10 or more units, the requirements of Article 15 shall apply.*

4.55 ~~Density Bonuses~~ *Affordability Requirements*

**[Remove the entirety of this section, and replace it with the following.]**

***For OSCDs containing 10 or more units, the requirements of Article 15 shall apply.***

Action taken 6/2/2014.

The May 12, 2014 session was called to order by the Town Moderator, James Pistrang, at 7:10 p.m. 127 town meeting members were checked in.

**ARTICLE 25. Zoning - Atkins Corner Rezoning (Planning Board)**

**VOTED by a declared two-thirds** to amend the Official Zoning Map by changing the zoning designation from Limited Business (B-L) to Village Center (B-VC) for parcels 25B-51, 25B-52, 25B-58, 25B-R1, 25B-R2 and portions of adjacent public ways in Atkins Corner village center, as shown on Figure 1.

Action taken 5/12/2014.

**ARTICLE 26. Zoning – Small House Development (Planning Board)**

**VOTED to refer back to Planning Board for further study.**

[To see if the Town will amend Section 3.3, Articles 5 and 12 of the Zoning Bylaw by deleting the ~~lined out~~ language and adding the language in *bold italics*, as follows:

**A. Amend Section 3.320, One Family Detached Dwelling, as follows:**

3.320 One family detached dwelling

R-O

R-LD	R-N	R-VC	R-G	R-F	B-G	B-L	B-VC	B-N	COM	OP	LI
	PRP	FPC									
Y	Y	Y	Y	N	N	N	N	N	N	N	N
	N										
		<b><i>SP*</i></b>	<b><i>SP*</i></b>								

Standards & Conditions

***\*Small House Requirements – A one family detached dwelling qualifying as a Small House (see definition under Article 12) shall be permitted only in the R-G and R-VC Districts under a Special Permit. A one family detached Small House under this section shall have an external appearance, siting, and orientation compatible in terms of its design with those of other one family detached dwellings in the surrounding neighborhood.***

***Any person seeking to build a one family detached Small House may, prior to the filing of a***



*Special Permit application, submit to the Inspection Services Department a site plan and architectural renderings of the proposed residence and any outbuildings on the form(s) provided, for review by the Building Commissioner. If the Building Commissioner determines that the proposed Small House meets the criteria of Section 3.204 of this Bylaw, then the Commissioner shall certify in writing that the proposed development does not require Special Permit approval.*

**Small House Lots - The following lot and building dimensional requirements shall apply to stand-alone one family detached dwellings qualifying as Small Houses in the R-G and R-VC Districts:**

<i>Basic Minimum Lot Area (sq. ft.)<sup>h</sup></i>	<i>5,000</i>
<i>Additional Lot Area/ Family (sq. ft.)</i>	<i>1,500</i>
<i>Basic Minimum Lot Frontage (ft.)</i>	<i>50</i>
<i>Basic Minimum/Maximum Front Setback (ft.)<sup>an</sup></i>	<i>15</i>
<i>Basic Minimum Side and Rear Yards (ft.)<sup>g</sup></i>	<i>10</i>
<i>Maximum Building Coverage (%)</i>	<i>25<sup>a</sup></i>
<i>Maximum Lot Coverage (%)<sup>o</sup></i>	<i>40</i>
<i>Maximum Floors<sup>a</sup></i>	<i>2</i>
<i>Minimum/Maximum Height (ft.)<sup>an</sup></i>	<i>25</i>

**B. Amend Article 12 by adding the following new definition in alphabetical order and renumbering the remaining sections accordingly:**

**12. Small House:** *For the purposes of this Bylaw, a Small House shall be a principal residential use consisting of a one family detached dwelling, a zero lot line one family dwelling, or a two-family detached dwelling, where each individual dwelling unit contains a total of not less than 350 sq. ft. and not more than 1,000 sq. ft. of habitable interior space, except where otherwise provided in this Bylaw.*

Action taken 5/12/2014.

#### **ARTICLE 27. Zoning – Accessory Home Business Uses (Planning Board)**

**DEFEATED Yes 90, No 76** (Motion failed to achieve a two-thirds majority)

[To see if the Town will amend Article 5, Accessory Uses, and Article 12, Definitions, as follows:

**A. Delete Sections 5.012 and 5.013 in their entirety, replace them with the new language below:**

##### **5.012 Use of Residences for Business Purposes**

The Town of Amherst encourages the responsible operation of accessory home business enterprises in appropriate locations, as a resource for employment and economic stability for Amherst residents. Such businesses must likewise be operated in a manner which preserves and protects the character and peaceful enjoyment of Amherst's existing residential neighborhoods.

It is the purpose of this section to appropriately regulate such uses, with the expectation that once a home business has grown to a size where its impacts are no longer appropriate in its original location, it will be moved to a more appropriate location in a business or industrial/research park district where it can be operated as a principal business use making a more significant contribution to the community's mix of goods and services and the local economy.

5.0120 The following three categories of businesses (including professions and trades) may be conducted in or at a residence (dwelling) as an accessory use:

5.0120.0 Home Business — A business, profession, or trade conducted by a resident of the premises entirely within the residence or an accessory building on the same property, and involving only occasional business vehicular traffic to the property. Examples include but are not limited to artists, desktop publishers, software developers, craftspersons, and other residents who work at home and conduct business by mail, telephone, or electronic communication.

5.0120.1 Customary Home Office or Occupation — A business, profession, or trade which is conducted by a resident of the premises and involves an increase in traffic resulting from clients, patients, associates, or employees. Examples include but are not limited to lawyers, doctors, dentists, therapists, accountants, beauticians, instructors, and professionals and consultants in design, real estate, and similar fields.

5.0120.2 Home Based Contractor:

1. Small Home-Based Contractor – A business that is conducted by a resident of the premises accessory to a residential use and consisting of only an office and no external storage of materials. A Small Home-Based Contractor shall not store or park Construction Vehicles on-site, whether in a garage or out of doors.
2. Large Home-Based Contractor — A business which is conducted by a resident of the premises as accessory to a residential use, both enclosed within structures and on the grounds of the associated property. Examples include but are not limited to building, plumbing, electrical, cabinetry, public works construction, materials transport and handling, fabrication, land resource-based activities (forestry, quarrying, landscaping, etc.), and other similar contractors who perform their work off-site but use their residence as a base of operations which may include an office and small scale storage of materials. A Large Home-Based Contractor may, with permission of the Special Permit Granting Authority, store or park Construction Vehicles on-site in conformance with these regulations, whether in a garage or out of doors. This category is meant to serve the needs of small contracting businesses with limited space needs, and to ensure that such accessory home business uses are located and operated in a manner that is reasonably compatible with the surrounding neighborhood.

5.0121 General Regulations. All three categories of businesses are subject to the following requirements.

5.0121.0 The activity must be operated by residents of the dwelling unit.

5.0121.1 The activity must be clearly accessory to the primary use of the premises as a residence.

- 5.0121.2 The activity must not change the character of the premises or surrounding neighborhood. There shall be no window displays or other features not normally associated with a residential use.
- 5.0121.3 Required parking associated with the accessory business use shall be accommodated off-street and abide by the provisions of Section 7.1. To the greatest extent feasible, new or expanded parking areas shall be located at the side or rear of the residence or accessory buildings, and shall be screened from the view of abutters and from public ways (streets or pedestrian ways) utilizing plantings, fencing, and/or topography.
- 5.0121.4 Proof of compliance with all applicable environmental controls is required. This includes floodplain protection, aquifer protection, and the Wetlands Protection Act.
- 5.0121.5 All signage shall be installed in conformance with the sign regulations.
- 5.0121.6 Sound produced as a result of any activity associated with the accessory business use shall not generally exceed 70dB (A), as measured at any boundary of the subject property abutting another residential use.
- 5.0122 Home Businesses. Home businesses are permitted by right in all zoning districts subject to both the General Regulations and the following provisions:
  - 5.0122.0 The business must be conducted entirely within the residence or an accessory building.
  - 5.0122.1 Not more than two (2) persons other than residents shall be regularly employed in the business at the site.
  - 5.0122.2 There shall be no exterior display, no exterior storage of materials or equipment, and no other variation from the residential appearance and character of the premises.
  - 5.0122.3 The business shall not generate traffic that is inconsistent with the traffic associated with the residence use, either in quantity or type.
  - 5.0122.4 Any resident establishing an accessory business under this section shall submit to the Inspection Services Department a description of the proposed business on the form(s) provided, for review by the Building Commissioner. If the Building Commissioner determines that the proposed business meets the criteria of this category, then the Commissioner shall certify in writing that the proposed home business does not require Special Permit approval as either a Customary Home Office or Occupation or a Home-Based Contractor.

- 5.0123 Customary Home Office or Occupations. Customary Home Offices or Occupations are permitted in all zoning districts by Special Permit from the Zoning Board of Appeals. If the proposed use is in compliance with both the General Regulations and the following provisions, a waiver may be granted by the Building Commissioner if it is determined that the proposed Customary Home Office or Occupation meets the criteria on this category:
- 5.0123.0 The business must be conducted entirely within the residence or an accessory building.
- 5.0123.1 Not more than two (2) persons other than residents of the premises shall be regularly employed in the business at the site.
- 5.0123.2 There shall be no exterior display, no exterior storage of materials or equipment, and no other variation from the residential character of the premises.
- 5.0123.3 The business shall not necessitate more than (4) parking spaces for clients, patients, non-resident employees, or other business-related demands and is appropriately constructed in accordance with the provisions of this section and Article 7 of this Bylaw.

5.0124 Home Based Contractors.

- 5.0124.0 Small Home-Based Contractors shall be allowed as follows without need for a Special Permit, but must conform to both the General Regulations and the following provisions.
1. The parcel on which the business is operated is within the R-G, R-VC, R-N, R-O or R-LD district.
  2. Not more than two (2) vehicles associated with the business shall be parked at the site at any given time, excluding personal vehicles not typically used for the operation of the business. Such vehicles shall not include Construction Vehicles.
  3. The activities related to the business shall be conducted entirely within the residence or an accessory building.
  4. The total square footage of buildings used for storage or garaging of vehicles or equipment associated with the business shall be no greater than 2,000 square feet.
  5. The business shall not generate traffic that is inconsistent with the traffic associated with the residential use, either in quantity or type.
  6. Any resident wishing to establish such a business shall submit a request to the Inspection Services Department on the Management Form provided, for review by the Building Commissioner. If the Building Commissioner determines that the proposed business meets the criteria of this category, then the Commissioner shall sign the form stating that the proposed Small Home-Based Contractor does not require Special Permit approval

5.0124.1 Large Home Based Contractors are permitted by Special Permit from the Zoning Board of Appeals, in compliance with both the General Regulations and the following provisions:

1. The parcel on which the business is operated is within the R-N, R-O, or R-LD districts.
2. The parcel is a minimum of one (1) acre in area in the R-N District, and two (2) acres in area in the R-O and R-LD districts. See Section 5.0125.
3. Not more than four (4) vehicles associated with the business including a maximum of two (2) Construction Vehicles shall be parked at the site at any given time, including employee vehicles and construction vehicles.
4. The activities related to the business may be conducted in part outdoors, but all such activities, equipment, and storage shall be permanently screened from the view of abutters and from public ways by buffers such as planting, fences, and/or topography.
5. No more than one quarter (25%) of the total area of the subject parcel, exclusive of areas covered by buildings, shall be used for business activities, including outdoor storage or parking.
6. The total square footage of buildings used for storage or garaging of vehicles or equipment associated with the business shall be no greater than 2,000 square feet. This shall not be construed to mean that a greater number of vehicles may be parked at the site than is otherwise permitted.
7. The Zoning Board of Appeals shall consider the capacity and condition of the road(s) serving the proposed business location with regard to the safety of residents in the vicinity, the types of vehicles to be used by the business, including delivery trucks, and the projected number of trips to and from the site.

5.0125 Waiver or Modification

As applicable, the Building Commissioner may modify, and the Special Permit Granting Authority may waive or modify, any aspect of this section for compelling reasons of public safety, site design, or the public welfare consonant with the purposes of this section, this Article, and this Bylaw, including whether the applicant demonstrates to the satisfaction of the Commissioner or the Authority that the use will not be detrimental to its surroundings and the property's distance from adjacent dwellings and other uses, or other factors associated with the site, location, and proposal, will sufficiently prevent or mitigate potential impacts on the surrounding uses.

5.013 Garaging or Parking of Motor Vehicles for Accessory Business Uses in Residential Districts

5.0130 For properties on which it can be demonstrated that motor vehicles have been parked or garaged continuously since January 1, 2010 or earlier, that number and type of vehicle may continue to be parked or garaged on said property without a Special Permit. This provision shall not apply to Construction Vehicles.

- 5.0131 Garaging or parking of one light panel, delivery or pick-up truck shall be permitted in association with a business use accessory to a lawful operating principal residential or business use occurring in a residential district. Such vehicles shall not include Construction Vehicles, except as herein provided.
- 5.0132 Any increase in the number of Construction Vehicles or larger commercial vehicles over one (1) ton in capacity parked or garaged on a property shall require a Special Permit from the Zoning Board of Appeals.
- 5.0133 Operation, including idling, of Construction Vehicles or larger commercial vehicles over one ton in capacity which are parked or garaged in residential districts is prohibited between the hours of 10:00 PM and 7:00 AM, except in case of emergency or for vehicles used for seasonal snowplowing. The Zoning Board of Appeals may further limit the hours of operation as needed to minimize negative impacts on the neighborhood through the Special Permit process.
- 5.0134 No trailer or other temporary container may be located on a residential property in association with an accessory business use for purposes other than temporary storage or for transport of vehicles, equipment, or materials. No enclosed trailer used for human occupancy (offices or similar uses) or mobile home designed as a residence may be used in association with an accessory business use on a property in a residential zoning district, except as may be permitted under the provisions of Section 5.017.]

**B. Amend current Section 5.015 by deleting the ~~lined-out~~ language and adding the language in *bold italics*, as follows:**

- 5.015 Garaging or Parking of Motor Vehicles *for Accessory Business Uses in Business or Industrial/Research Park Districts*
- 5.0150 + *For properties on which it can be demonstrated that motor vehicles have been parked or garaged continuously since January 1, 2010 or earlier, that number and type of vehicle may continue to be parked or garaged on said property without a Special Permit. This provision shall not apply to Construction Vehicles.*
- 5.0151 2 Garaging or parking of one light panel, delivery or pick-up truck shall be ~~considered to be a~~ permitted *in association with a business use accessory use to a lawful operating principal business use occurring in a residential business or industrial research park district. Such vehicles shall not include Construction Vehicles, except as hereinafter provided.*
- 5.0152 3 Garaging or parking of larger commercial vehicles or more than one commercial vehicle may be allowed under a Special Permit, issued by the Board of Appeals, *as follows:*
- 5.0152.0 *Construction Vehicles or larger commercial vehicles over one (1) ton in capacity parked or garaged on a property.*

**5.0152.1     *The operation, including idling, of Construction Vehicles or larger commercial vehicles over one ton in capacity parked or garaged in any business or industrial/research park district is prohibited between the hours of 11:00 PM and 6:00 AM, except in cases of emergency or seasonal snow plowing. The Special Permit Granting Authority may further limit the hours of operation as needed to minimize negative impacts on the neighborhood through the special permit process.***

**5.0153     *No enclosed trailer used for human occupancy (offices or similar uses) or mobile home designed as a residence may be used in association with an accessory business use on a property in a business zoning district, except as may be permitted under the provisions of Section 5.017.***

**C.     Amend Article 12 by adding the following new definitions in alphabetical order and renumbering the remaining sections accordingly:**

- 12.\_\_\_ Accessory Use or Building: Any use, building, or structure which customarily accompanies a Principal Use under this Bylaw, being incidental and subordinate to that use and occurring on the same lot with the Principal Use, or on a lot adjacent thereto, or, a use, structure or building which has been determined to be appropriately incidental and subordinate to such a Principal Use.
- 12.\_\_\_ Construction Vehicle: Any motor vehicle with a Gross Vehicle Weight (GVW) greater than 10,000 lbs.; any heavy equipment or machinery used for business purposes, including for general or specialized construction or for tasks requiring mechanical power, whether wheeled or of restricted mobility; or any trailer used predominantly for business purposes.
- 12.\_\_\_ Principal Use: The primary and predominant land use or uses occurring on a given property.]

Action taken 5/12/2014.

*(Robert Wellman made a motion to refer the article back to the Planning Board. Motion to refer was defeated. Russell Vernon-Jones moved to amend by deleting section 5.0122.4. Motion to amend was defeated.)*

At 10:05 p.m. on May 12, 2014, town meeting voted to adjourn to Wednesday, May 14, 2014 at 7:00 p.m. in the auditorium of the Amherst Regional Middle School. 184 town meeting members were checked in.

The May 14, 2014 session was called to order by the Town Moderator, James Pistrang, at 7:14 p.m. 127 town meeting members were checked in.

#### **ARTICLE 28. Zoning– Supplemental Dwelling Units (Planning Board)**

**VOTED Yes 102, No 48** to amend Sections 5.011 and 3.3241 of the Zoning Bylaw by deleting the ~~lined out~~ language and adding the language in ***bold italics***, as follows:

Amend Section 5.011 as follows:

5.011 Supplemental ~~Apartment~~ ***Dwelling Units***

***Supplemental dwelling units as defined under this section are intended to meet the changing housing needs of owner-occupied households, including housing for relatives and others associated with the household, and the provision of small, individual rental units. As accessory uses, supplemental dwelling units are exempt from the additional lot area/family requirements of Table 3. Only one (1) supplemental dwelling unit shall be permitted as accessory to a one family detached dwelling.***

#### 5.0110 Supplemental Apartment

~~A supplemental apartment is a small accessory dwelling unit incorporated as part of and subordinate to an existing single one family detached dwelling. As an accessory use, a supplemental apartment is exempt from the additional lot area/family requirements of Table 3. Supplemental apartments are intended to meet the changing housing needs of owner-occupied households, including housing for relatives and others associated with the household, and the provision of small, individual rental units.~~

~~The Board of Appeals may authorize under a Special Permit in the Outlying Residence, Low Density Residence, Neighborhood Residence, Village Center Residence and General Residence Districts, one supplemental apartment accessory to the use of a single family dwelling, provided that:~~

- 1. Supplemental Apartment I - A supplemental apartment which is located entirely within an existing one family detached dwelling and requires no significant external changes to the dwelling or site beyond entrances and windows required by the building code. A Supplemental Apartment I shall be permitted in all residential zoning districts except the R-F District following review of the proposed accessory use by the Building Commissioner and verification that it meets the requirements of this Bylaw, including but not limited to the following:***
  - a. One of the dwelling units shall be occupied by the owner(s) of the principal one family detached dwelling as their principal residence. Neither unit may be used for accessory lodging under the provisions of Section 5.01.***
  - b. The supplemental apartment shall not be occupied by more than three (3) adult residents.***
  - c. The supplemental apartment and property shall be operated in accordance with a Management Plan submitted to and approved by the Building Commissioner. Upon any change in ownership, a new Management Plan shall be filed in a timely manner with the Building Commissioner for review and approval.***
  - d. Any dwelling unit on the property being rented shall be registered and permitted in accordance with the Residential Rental Property Bylaw.***
  - e. Parking shall be provided and designed in accordance with Article 7 of this Bylaw.***



- f. *All exterior lighting shall be designed and installed so as to be shielded or downcast, and to avoid light trespass onto adjacent properties.*
- g. *On-site storage and management of waste and recycling shall occur on the interior of the dwelling or within an attached garage or other accessory outbuilding. There shall be no freestanding dumpster or storage unit associated with a property regulated under this section, except on a temporary basis in association with construction or similar temporary purposes.*
- h. *A reflective street address sign for each unit shall be installed at the street in a manner ensuring their visibility for public safety personnel from any approach.*

*Any Supplemental Apartment I which in the judgment of the Building Commissioner does not meet these requirements shall require a Special Permit from the Zoning Board of Appeals.*

*Supplemental Apartment II - A supplemental apartment which involves significant changes to the existing one family detached dwelling, including but not limited to external fire escape structures, exterior additions not exceeding ten percent (10%) of the footprint of the habitable portions of the existing building, and other similar changes which result in a significant alteration to the appearance and function of the building or site. A Supplemental Apartment II shall require a Special Permit granted by the Zoning Board of Appeals in the R-G, R-VC, R-N, R-O, and R-LD Districts.*

#### 5.0111 *Supplemental Detached Dwelling Unit*

*A supplemental detached dwelling unit shall be a small freestanding accessory one family detached dwelling permitted to co-occur on a residential property as supplemental and incidental to a one family detached dwelling. A supplemental detached dwelling unit may be the result of new construction or rehabilitation of an existing structure resulting in a unit meeting the general requirements of this section.*

*Supplemental detached dwelling units shall require a Special Permit from the Zoning Board of Appeals in the R-G, R-VC, R-N, R-O, and R-LD Districts.*

#### 5.0112 *General Requirements. The following standards shall apply to supplemental dwelling units (supplemental apartments and supplemental detached dwelling units):*

1. There shall ~~not~~ be ***not less than 350 square feet nor*** more than 800 square feet of ~~gross floor area~~ ***habitable space*** in ~~any supplemental apartment~~ ***dwelling unit***, except that any ~~such apartment~~ ***dwelling unit*** built and maintained as fully accessible under the provisions of the Americans with Disabilities Act (ADA) may include a maximum of 900 square feet in ~~gross floor area~~ ***habitable space***.

2. ~~Any single~~ **No one** family **detached** dwelling in which a supplemental apartment is constructed **or upon the property of which a supplemental dwelling unit is built** shall ~~not~~ **may** be used simultaneously for accessory lodging under any provision of Section 5.010, **nor shall any supplemental dwelling unit built upon the property of such a one family dwelling be so used.**
3. One of the dwelling units **on the property** shall be occupied by the owner(s) of the principal ~~single~~ **one** family residence, which requirement shall be made a condition of any Special Permit issued under this section.
4. Notwithstanding the provisions of ~~Section 12.14~~ Article 12, a supplemental ~~apartment~~ **dwelling unit** shall be occupied by a total of no more than three (3) ~~people~~ **adult residents.**
5. **The design review principles and standards established under Section 3.204 shall be applied to all accessory uses under this section, and the review and recommendation of the Design Review Board may be sought by the Building Commissioner, Permit Granting Board, or Special Permit Granting Authority.**

**B. Amend Section 3.3241, 9., of Converted Dwellings, as follows:**

9. No detached structure shall be converted under the provisions of Section 3.3241 unless it abides by the provisions of Condition 5. above and upon completion provides at least 350 square feet of habitable space. **Conversion of a detached structure alone may qualify as a supplemental detached dwelling unit if it meets the requirements established under Section 5.011.**  
Action taken 5/14/2014.

**ARTICLE 29. Restrictive Covenant - 284 North Pleasant Street (Planning Board)**

**VOTED unanimously** to authorize the Select Board to accept a revised covenant governing the range of allowable uses on the property of 284 North Pleasant Street (Map 11C/Parcel 174) by deleting the ~~lined-out~~ language and adding the language in ***bold italics***, as follows:

Notwithstanding the zoning designation of the subject premises and any uses allowed thereby under the Amherst Zoning Bylaw, as such bylaw may be amended from time to time, the use of the premises shall be limited on the first floor to the following:

***Medical or dental offices, chiropractic offices and offices of alternative/integrative medicine, as well as related medical and therapeutic services for the treatment of patients in person and principally predominantly by appointment; and***

non-profit educational or religious uses as permitted under G.L. Ch. 40A, s3; and

***for-profit trade, professional, or other educational institution; and***

***real estate, insurance or other business or professional offices providing services to the public in person on the premises, not to include banks; and***

***technical and professional offices providing services in person on the premises predominantly by appointment, and administrative business offices not providing services to the general public in Person on the premises.***

and shall be limited on the upper floor and basement to residential use.  
Action taken 5/14/2014.

**ARTICLE 30. Petition – Restrictive Covenant - 284 North Pleasant Street (Ewert et al)  
VOTED unanimously to DISMISS**

[To see if Town Meeting will vote to authorize the Select Board to accept a revised covenant governing the range of allowable land uses on the property of 284 North Pleasant Street (Map 11C/ Parcel 174), by adding (after the words “under GL. c. 40A, s3”) the language in bold italics, as follows:

***and other office uses, including those office uses listed in the Amherst Zoning Bylaw at 3.358, and at 3.359, and at 3.360, and offices of Complimentary/Alternative/Integrative health care providers which are not specifically listed in the Amherst Zoning Bylaw, and offices of for profit professionals as listed in the Amherst Zoning Bylaw at 3.332.]***

Action taken 5/14/2014.

Town Meeting continued with discussion of Article 21.

**ARTICLE 31. Multi-Year Cell Phone Tower Agreement (Select Board)**

**VOTED by a declared two-thirds** to authorize the Town Manager to enter into a lease with Bell Atlantic Mobile of Massachusetts Corporation, Ltd. d/b/a Verizon Wireless, pursuant to which the Town will lease to Verizon, for telecommunications purposes, approximately 10,000 square feet of the Town-owned parcel of land located at 740 Belchertown Road, said lease to be for a term of no more than twenty (20) years, and further to authorize the Select Board to grant such access, utility and related easements on the parcel of land as may be necessary or convenient to serve the telecommunications facilities thereon.

Action taken 5/14/2014.

**ARTICLE 32. Acquisition of Easements – Triangle and East Pleasant St Intersection (Select Board)**

**DEFEATED Yes 79, No 62** (Motion failed to achieve a two-thirds majority)

To see if the Town will vote to authorize the Select Board to acquire, by gift, purchase, and/or eminent domain, in connection with the Triangle and East Pleasant Streets Intersection project, for public way and sidewalk purposes, permanent easements in, on, under the properties identified below and shown on a plan entitled, “Town of Amherst Triangle Street At East Pleasant Street, Conceptual Plan March 2014,” on file with the Town Clerk;

<u>Owner</u>	<u>Address</u>	<u>Map and Parcel</u>
BAY BANK VALLEY TRUST C/O BANK OF AMERICA/CORP	75 East Pleasant Street	11C-322
BROWN, JEFFERY B TRUSTEE OF BGB RLTY TRU	231 Triangle Street	11C-265

Action taken 5/14/2014.

*(Maurianne Adams made a motion to refer back to the Select Board for further consideration.  
Motion to refer was defeated)*

**ARTICLE 33. Grant of Easements - Meetinghouse Road in Pelham (Select Board)**

**VOTED unanimously** to transfer certain Town-owned property, described below, held by the Select Board for water supply purposes, to the Select Board for water supply purposes and for the purpose of conveyance of certain permanent and temporary easements, as described hereinafter, and to authorize the Select Board, in its capacity as the Board of Water Commissioners, to grant to the Town of Pelham, for no consideration, permanent and temporary easements on the Town-owned parcels shown on a plan entitled "Massachusetts Department of Transportation Highway Division Plan and Profile of Meetinghouse Road," a copy of which is on file with the Town Clerk, and within an area 100 feet distant from the easements shown on the aforesaid plan, for the purpose of reconstructing and improving two bridges, including, but not limited to, bridge, wall, slope and erosion control easements, said bridges located on Meetinghouse Road, the first bridge over Amethyst Brook, the second bridge over Harris Brook, which easements will encumber the following Town-owned parcels: Assessor Map 8, Parcel 15, described in a deed recorded with the Hampshire Registry of Deeds in Book 910, Page 436; Assessor Map 8, Parcel 4, described in deeds recorded in Book 854, Page 376 and Book 859, Page 154; and Assessor Map 8, Parcel 5, described in deeds recorded in Book 921, Page 525 and Book 636, Page 589.

Action taken 5/14/2014.

At 10:03 p.m. on May 14, 2014, town meeting voted to adjourn to Monday, May 19, 2014 at 7:00 p.m. in the auditorium of the Amherst Regional Middle School. 158 town meeting members were checked in.

The May 19, 2014 session was called to order by the Town Moderator, James Pistrang, at 7:10 p.m. 127 town meeting members were checked in.

**ARTICLE 34. General Bylaw – Establishment of Municipal Affordable Housing Trust  
(Housing and Sheltering Committee)**

**VOTED** to accept M.G.L. c.44, §55C, and establish a Municipal Affordable Housing Trust Fund to be known as the Amherst Affordable Housing Trust Fund ("the Trust"), whose purpose shall be to provide for the creation and preservation of affordable housing for the benefit of low and moderate income households, and further to amend the General Bylaws of the Town by inserting a new Bylaw in Article IV to be entitled "Amherst Affordable Housing Trust Fund," as follows:

**AMHERST AFFORDABLE HOUSING TRUST FUND**

1. There shall be a Board of Trustees of the Amherst Affordable Housing Trust Fund, composed of seven members, of whom one shall be a member of the Select Board, one shall be a member of the Housing & Sheltering Committee, and five shall be qualified residents who would bring to the Trust relevant personal and/or professional experience and knowledge in real estate, finance, affordable housing, banking, architecture, social services, or the like. The Select Board shall appoint the Trustees for terms not to exceed two years, except that three of the initial trustee appointments shall be for a term of one year, so as to allow staggered terms. Said Trustees may be re-appointed at the discretion of the Select Board. Vacancies shall be filled by the Select Board for the remainder of the unexpired term. Any member of the Board of Trustees may be removed by the Select Board for cause after the opportunity of a hearing. Nothing in this section shall prevent the Select Board from appointing the Town Manager as an ex-officio eighth member, without the power to vote.

2. The Trustees are hereby authorized to execute a Declaration of Trust and Certificate of Trust for the Amherst Affordable Housing Trust Fund, to be recorded with the Hampshire County Registry of Deeds and filed with the Hampshire Registry District of the Land Court.

3. The powers of the Board of Trustees, all of which shall be carried on in furtherance of the purposes set forth in M.G.L. c. 44, § 55C, shall include the following:

a. to accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the trust in connection with any ordinance or by-law or any general or special law or any other source, including money from M.G.L. c. 44B;

b. to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;

c. to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to trust property as the Board deems advisable notwithstanding the length of any such lease or contract;

d. to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Board engages for the accomplishment of the purposes of the Trust;

e. to employ advisors and agents, such as accountants, appraisers and lawyers as the Board deems necessary, notwithstanding administrative and technical support provided through finance, treasurer/collector and accounting departments, and that which may be provided by Town staff in various departments, including but not limited to planning, inspection services and conservation;

f. to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Board deems advisable;

g. to apportion receipts and charges between incomes and principal as the Board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;

h. to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;

i. to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Board may deem proper and to pay, out of Trust property, such portion of expenses and compensation of such committee as the Board may deem necessary and appropriate;

j. to carry property for accounting purposes other than acquisition date values;

k. to borrow money on such terms and conditions and from such sources as the Board deems advisable, to mortgage and pledge trust assets as collateral;

l. to make distributions or divisions of principal in kind;

m. to comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the Board may deem appropriate;

n. to manage or improve real property; and to abandon any property which the Board determined not to be worth retaining;

o. to hold all or part of the Trust property uninvested for such purposes and for such time as the Board may deem appropriate; and

p. to extend the time for payment of any obligation to the trust.

q. to take any other action relative thereto.

4. These powers shall be subject to the following limitations:  
any purchase, sale, lease, exchange, transfer or conveyance of any interest in real property must be approved by five of the seven voting members.

the Trustees may incur debt, borrow money, grant mortgages and pledge Trust assets only in an amount not to exceed 80% of the Trust's total assets.

any debt incurred by the Board shall not constitute a pledge of the full faith and credit of the Town of Amherst and all documents related to any debt shall contain a statement that the holder of any such debt shall have no recourse against the Town of Amherst with an acknowledgement of said statement by the holder.

5. The Board of Trustees shall provide for an annual audit of the books and records of the Trust. Such audit shall be performed by an independent auditor in accordance with accepted accounting practices. Upon receipt of the audit by the Board of Trustees, a copy shall be provided forthwith to the Select Board.

Action taken 5/19/2014.

*[A motion was made by James Oldham to refer back to the Housing and Sheltering Committee. Motion to refer was defeated.]*

#### **ARTICLE 35. Resolution - Right to Organize (Human Rights Commission)**

**VOTED** to adopt the following resolution:

WHEREAS, the Universal Declaration of Human Rights declares at Article 23(4): Everyone has the right to form and to join trade unions for the protection of their interests; and

WHEREAS, unions have historically helped to bring economic and social democracy to American society; and

WHEREAS, the Town of Amherst, wishes to promote respect for human rights, including workers' freedom to form unions without employer interference and bargain collectively, and has a history of support for the freedom to form unions and the important public benefits inherent in collective bargaining; and

NOW THEREFORE, BE IT RESOLVED THAT the Amherst, Massachusetts Town Meeting

1. Supports the rights of workers to organize and bargain collectively.
2. Calls upon employers to:
  - a. Recognize the rights of those who work for them either directly or indirectly (under contractual arrangements) to be treated with dignity, to be paid a living wage, and to work in a healthy, safe, and secure workplace; and
  - b. Respect that the question to unionize or not is for employees to decide, and agree not to express an opinion either pro or con on the merits of unionization; and
  - c. Abide by their employees' decision when a majority indicates (by card check, an election supervised by the NLRB or other neutral body, petition, or other public statement) that it supports union representation, and engage in collective bargaining to achieve a written agreement without undue delay; and
  - D. Refrain from abusing National Labor Relations Board elections and appeals by using them as means for delaying or avoiding representation for their employees; and
  - E. Refrain from abusing the rights of undocumented immigrant workers; and

Be it further resolved that the Human Rights Commission will support attention to workers' human rights in accordance with the Universal Declaration of Human Rights Article 23 which refers to workers' rights.<sup>1</sup>

Each year the local chapter of the Western Massachusetts Workers' Rights Board is requested to provide the Human Rights Commission with a list of employers who respond affirmatively to Section 1 and 2 above.

*Article 23.* (1) Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against underemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favorable remuneration ensuring for themselves and their family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of their interests.

Action taken 5/19/2014.

#### **ARTICLE 36. Petition – Drones (Gatti et al)**

**VOTED** to endorse Article 36 as two separate resolutions.

##### **Part A:**

1. WHEREAS, the use of drones, often referred to as Unmanned Aircraft Systems (UAS), raises far-reaching concerns about targeted governmental killings, the loss of constitutional protections, privacy, democracy, and the rule of law,
2. WHEREAS, drones now being marketed to domestic law enforcement agencies, potentially could be armed with weapons, including tear gas, rubber bullets and firearms,
3. WHEREAS, drone technology as a means of data collection has the potential for misuse affecting individual privacy and civil liberties, freedom of association and assembly, equal protection, and due process,
4. NOW, THEREFORE; BE IT RESOLVED, that this Resolution declares that no agency of the town of Amherst, nor any agents under contract with the town, will operate drones in the immediate airspace over Amherst in a manner that violates the constitutional rights of its residents,
5. BE IT FURTHER RESOLVED, that the Town of Amherst affirms that within the town limits, landowners and tenants, subject to state laws and local ordinances, have exclusive control of the immediate reaches of the airspace and that no drone, unmanned aircraft, or other airborne object

shall have the “public right of transit” through this private property.

**VOTED**

**Part B:**

1. WHEREAS, drones have been used intentionally to kill people in foreign lands including at least two American citizens, without a public judicial process,
2. WHEREAS, such a use of lethal force without due process is a misuse of governmental powers specifically prohibited in the United States Constitution,
3. WHEREAS, drones have killed many non-targeted people including children,
4. NOW THEREFORE, BE IT RESOLVED, that the town of Amherst request its representatives, Congressman Jim McGovern and Senators Elizabeth Warren and Edward Markey, to introduce a resolution in the United States Congress to end the practice of extrajudicial killing by armed drones, to specifically withhold money for that purpose, and make restitution to those who have been killed or injured through the actions of the United States government, the Department of Defense, the Central Intelligence Agency, and their private contractors.

Action taken 5/19/2014.

*(A motion was made by Larry Kelley to dismiss the article. Motion to dismiss was defeated.)*

**ARTICLE 37. Amend Town of Amherst Community Preservation Act Acceptance (O’Connor et al)**

**VOTED** to further amend the vote taken under Article 2 of the Special Town Meeting held on February 12, 2001, by increasing from one and one-half percent to three percent the Community Preservation Act surcharge authorized thereunder, and to place on the ballot for the November 2014 General Election a question regarding the acceptance of such amended surcharge all as provided in M.G.L. c. 44B, §§ 3(b) and 16(a).

Action taken 5/5/2014

At 10:01 p.m. on May 5, 2014, town meeting voted to adjourn to Wednesday, May 7, 2014 at 7:00 p.m. in the auditorium of the Amherst Regional Middle School. 182 town meeting members were checked in.

The May 21, 2014 session was called to order by the Town Moderator, James Pistrang, at 7:15 p.m. 126 town meeting members were checked in.

**ARTICLE 38. Petition – 40 Dickinson Street (O’Connor et al)**

**VOTED Yes 81, No 72 to DISMISS**

[To see if the town will vote to authorize the Select Board:

to acquire from the Trustees of Amherst College or their successor, by eminent domain, purchase, gift or otherwise, the fee simple interest in 1) the land and improvements located at 40 Dickinson Street, identified as Parcel 52 of Map 14B of the Town Cadastre, formerly the site of Classic Chevrolet, comprising 0.72 acres more or less, and 2) the land at the northeast corner of Dickinson and College Streets, identified as Parcel 51 of Map 14B of the Town Cadastre, comprising 0.92 acres more or less, for economic development and revitalization, and other municipal purposes, and for the purpose of conveyance, and to fund such acquisition appropriate an amount of \$750,000, and to meet such appropriation authorize the Treasurer to borrow \$750,000 and further to authorize the Select Board and the Town Manager to apply for and accept any gifts, bequests, or grants from the federal government, the Commonwealth of Massachusetts or otherwise and further authorize the Treasurer, with the approval of the Select Board, to borrow in anticipation of reimbursement for any such grants; and, to declare as surplus and authorize for sale in accordance with the provisions of Chapter 30B. the land



and improvements located at 40 Dickinson Street; identified as Parcel 52 of Map 14B of the Town Cadastre, and the land at the northeast corner of Dickinson and College Streets, identified as Parcel 51 of Map 14B of the Town Cadastre, subject to the following restriction:  
that the minimum sale price recover all town costs for acquisition and resale.]  
Action taken 5/21/14.

#### Procedural Motion

Town Meeting voted to consider Article 41 before Article 40.

#### **ARTICLE 39. Petition –24-30 Gatehouse Road (Weiss et al)**

**VOTED** that it be the sense of this Town meeting that the Amherst Town Manager and Select Board continue to try to find a way to acquire by any legal and financially feasible means the property known as Echo Village, identified as Block 2, Parcel 21 of Map 18A of the Town Cadastre. And further, that upon that acquisition, that property will be designated as Affordable Housing in perpetuity and conveyed to a non-profit affordable housing management organization in accordance with the applicable provisions of the Massachusetts General Laws.  
Action taken 5/19/2014.

Town Meeting voted to postpone discussion of Article 38 until 7:05 p.m. on May 21, 2014, and continued with discussion of Article 39.

At 9:54 p.m. on May 19, 2014, town meeting voted to adjourn to Wednesday, May 21, 2014 at 7:00 p.m. in the auditorium of the Amherst Regional Middle School. 168 town meeting members were checked in.

#### **ARTICLE 40. Petition – Low Income Tax Credit (O'Connor et al)**

**VOTED to refer the article to the Housing & Sheltering Committee for further consideration.**  
[To see if the Town will vote to authorize the Select Board to request a Special Act of the Legislature authorizing the Town of Amherst, notwithstanding any general or special law to the contrary, to establish a low-income property tax credit applicable to taxes collected under MGL Chapter 59 as follows:

The Town of Amherst may grant a maximum real property tax credit of up to \$1,000 per unit, per fiscal year, on rental housing property qualifying for such credit under the Amherst Affordable Housing Preservation Program (hereinafter "AAHPP").

The AAHPP would authorize the Town of Amherst's Board of Assessors to implement a real property tax credit on Amherst rental properties not otherwise Chapter 40B countable whose owners have reduced rents to a level that preserves the availability of said rental housing units to families with moveable HUD Section 8 Housing Vouchers and Veterans Affairs Supportive Housing Vouchers (HUD\_VASH).

AAHPP real property tax credits may reduce the real property tax bill on a rental housing property by an amount equal to 75% of the difference between the Amherst Payment Standard for moveable HUD Section 8 Housing Vouchers and HUD's Payment Standard for VASH Vouchers in the Greater Springfield Metropolitan Statistical Area and rents charged for similar or identical Amherst rental housing units owned by the applicant, except that no tax credit granted shall be greater than \$1,000 per housing unit.

Where an AAHPP rental housing property tax credit applicant owns no other similar or identical Amherst rental housing units, an AAHPP real property tax credit may reduce the real property tax bill on the applicant's rental housing property by an amount equal to 75% of the difference between the Amherst Payment Standard for moveable HUD Section 8 Housing Vouchers and HUD's Payment Standard for VASH Vouchers in the Greater Springfield Metropolitan Statistical Area and said rental property's fair market rental as determined for similar or identical Amherst housing units by the Amherst Board of Assessors, except that no tax credit granted shall be greater than \$1,000 per housing unit.

All AAHPP real property tax credit applicants shall verify the moveable HUD Section 8 or VASH contract status for each and every Amherst rental housing unit on which a tax credit is claimed by submitting to the Town of Amherst Board of Assessors a copy of the contract or lease between the applicant or the applicant's agent and the issuing/supervising housing authority or agency – which contract or lease shall be kept strictly confidential.

AAHPP real property tax credits shall be made available for no fewer than 50 (fifty) Amherst rental housing units each and every fiscal year. However, in the event that insufficient funds are available to fully fund AAHPP tax credits in any given fiscal year, the Board of Assessors, after determining the tax credit for each individual rental housing unit, shall provide a pro-rated real property tax credit for each eligible rental housing unit based on the funds appropriated for the AAHPP for that fiscal year.

The Town may fund the costs of AAHPP tax credits from rental permit fees, any payments made in lieu of providing affordable housing units, Community Preservation Act funds, any general fund revenues including property tax receipts, and any grants, gifts, or bequests received for this purpose.] Action taken 5/21/14.

**ARTICLE 41. Petition – Resolution for Support of House 1167 (O'Connor et al)  
DEFEATED**

[To see if the Town will vote:

Whereas, families who hold moveable Section 8 Housing Vouchers and reside in Amherst do not count toward the Town's Chapter 40B inventory of affordable housing; and,

Whereas, approximately 50% of the almost 400 moveable Section 8 Housing Vouchers presently administered by the Amherst Housing Authority are held by families who do not live in Amherst; and,

Whereas, the Town of Amherst is on the brink of falling below the MGL Chapter 40B countable affordable housing minimum of 10% - which would trigger various punitive provisions of Chapter 40B including allowing the Zoning Board of Appeals to approve so-called "affordable housing projects" by votes of 2-1 and, for such projects, allow the ZBA or a state appeals board to waive every provision of the Amherst Zoning Bylaw including the use, design and dimensional limitations of the Town's zoning districts; and,

Whereas, House No. 1167, An Act relative to housing types considered affordable under Chapter 40B would amend MGL Chapter 40B by adding the following new section: "The Department of Housing and Economic Development shall include Section 8 Housing Vouchers in addition to already cited applicable housing types."

Now, Therefore, Be It Resolved, that the Amherst Representative Town Meeting hereby requests: 1) that our State Senator and State Representative sponsor, support, and vote for House No. 1167; and, 2) that, when our approval of this resolution becomes final, the Amherst Town Clerk promptly deliver a certified copy of this resolution and the vote thereon to the Town's representative to the General Court.]

Action taken 5/21/14.

**ARTICLE 42. Petition - Rescind Sections 6a (2) and 7a. (1) a-c Residential Property Bylaw  
(O'Connor et al**

**VOTED to refer to Rental Bylaw Implementation Group.**

[To vote to request that the Moderator appoint an ad hoc committee of eight Town Meeting Members of whom four shall be tenants – at least one an undergraduate student – and four shall be property owners – at least one a rental housing owner – to review Sections 6a.(2) and 7a.(1)a-c of the Town's Residential Rental Property Bylaw as adopted under Article 29 of the 2013 Annual Town Meeting and the Self-Certification Checklist developed by the Town, determine which items are susceptible to implementation with objective criteria that can be provided in writing to tenants and recommend modifications to the Checklist and the Bylaw consistent with their findings to the Town Manager, Select Board, and the Fall 2014 Special Town Meeting. ]

Action taken 5/21/14.

At 9:32 p.m. on May 21, 2014, town meeting voted to adjourn to Monday, June 2, 2014 at 7:05 p.m. in the auditorium of the Amherst Regional Middle School. 167 town meeting members were checked in.

The June 2, 2014 session was called to order by the Town Moderator, James Pistrang, at 9:08 p.m. immediately following the dissolution of the June 2, 2014 Special Town Meeting. 126 town meeting members were checked in.

Town Meeting resumed with discussion of Article 20, Part C, followed by Article 24.

At 10:07 p.m. on Monday June 2, 2014, the business of the warrant having been completed, town meeting voted to dissolve the April 28, 2014 Annual Town Meeting. 175 town meeting members were checked in.

**WARRANT  
Special Town Meeting  
June 2, 2014**

Hampshire, ss.

To one of the Constables of the Town of Amherst, in said county, Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify the registered voters of the Town of Amherst of the Special Town Meeting to be held in the Auditorium of the Amherst Regional Middle School in said Amherst at seven o'clock p.m. on Monday, the second day of June, Two Thousand and Fourteen, when the following articles will be acted upon by Town Meeting members:

**ARTICLE 1. GRANT OF EASEMENT – Town of Pelham (Select Board)** To see if the Town will vote to transfer certain Town-owned property, described below, held by the Select Board for water supply purposes, to the Select Board for water supply purposes and for the purpose of

conveyance of certain permanent and temporary easements, as described hereinafter, and to authorize the Select Board, in its capacity as the Board of Water Commissioners, to grant to the Town of Pelham, for no consideration, permanent and temporary easements on the Town-owned parcels shown on a plan entitled "Massachusetts Department of Transportation Highway Division Reconstruction of Amherst Road Phase 2," a copy of which is on file with the Town Clerk, for the purpose of reconstructing and improving Amherst Road, including, but not limited to, drainage, slope and grading easements, which easements will encumber the following Town-owned parcels: Assessor Map 7, Parcel 58; Assessor Map 8, Parcel 5; Assessor Map 8, Parcel 7R; Assessor Map 15, Parcel 1; Assessor Map 15, Parcel 9; and Assessor Map 16, Parcel 24 and, and upon such property of the Town within 100 feet of the edge of the right of way of Amherst Road; and further to authorize the Select Board to file a home rule petition for approval of any or all of said conveyances under Article 97 of the Amendments to the Massachusetts Constitution, if such approval is deemed by the Select Board to be needed.

**ARTICLE 2. WATERSHED LAND – Overlook Drive Acquisition (Select Board)** To see if the Town will vote to: (a) authorize the Select Board, in its capacity as the Board of Water Commissioners, to acquire by gift, purchase, and/or eminent domain, for water supply protection purposes, the parcel of land on Overlook Drive, Amherst, shown as Parcel 50 on Assessors Map 6B, and containing 1.15 acres, more or less; (b) raise and appropriate, transfer from available funds, and/or borrow the sum of money for the acquisition of said land and costs related thereto; and (c) authorize the Select Board, the Town Manager, and/or such other boards or officers as they deem appropriate, to apply for and accept on behalf of the Town any and all applications for funds under the Massachusetts Department of Environmental Protection Drinking Water Supply Protection Program and/or applications for funds, gifts, and grants, including grants for reimbursement, under any federal and/or state programs, and to enter into any and all agreements and execute any and all instruments to effectuate the foregoing acquisition.

**ARTICLE 3. WATERSHED LAND – Shutesbury Land Acquisition (Select Board)** To see if the Town will vote to: (a) authorize the Select Board, in its capacity as the Board of Water Commissioners, to acquire, by gift, purchase, and/or eminent domain, for water supply protection purposes, all or a portion or portions of the parcels of land located on or off Sumner Mountain Road, Shutesbury, shown on Shutesbury Assessors Map W as Parcels 15, 108, 109, and 110, which portions contain 21.5 acres, more or less; (b) raise and appropriate, transfer from available funds, and/or borrow a sum of money for the acquisition of said land and costs related thereto; (c) authorize the Select Board, the Town Manager, and/or such other boards or officers as they deem appropriate, to apply for and accept on behalf of the Town any and all applications for funds under the Massachusetts Department of Environmental Protection Drinking Water Supply Protection Program and/or applications for funds, gifts, and grants, including grants for reimbursement, under any federal and/or state programs, and to enter into any and all agreements and execute any and all instruments to effectuate the foregoing acquisition, provided that the Select Board is authorized to acquire on file with the Town Clerk, for the purpose of maintaining, improving, and repairing a driveway located partly on said Library land and partly on the Church property, and for the purpose of installing, maintaining, repairing and replacing sewer and drainage pipe or pipes, swales, catch-basins and related sewer and stormwater appurtenances, said easements to be granted on such terms and conditions and for such consideration, which may be nominal consideration, as the Select Board deems appropriate.

**ARTICLE 5. AFFORDABLE HOUSING - Preservation of Units at Rolling Green (Community Preservation Act Commission)**

To see if the Town will vote to: (a) authorize the Select Board to acquire by purchase, gift, and/or

eminent domain, permanent affordable housing restrictions encumbering forty-one (41) or more units in the Rolling Green apartments, located at 422 Belchertown Road and shown on Assessors Map 18A as Lot 43, requiring said units to be used to provide housing to persons earning no more than eighty percent (80%) of the Springfield Area Median Income; (b) appropriate \$1,250,000 from the Community Preservation Fund for the purpose of acquiring, creating, and/or supporting said community housing, and authorize the Treasurer, with the approval of the Select Board, to issue any bonds or notes that may be necessary for such purposes pursuant to G.L. 44B, §11, G.L. c. 44, and/or any other enabling authority; and (c) authorize the Select Board and/or the Town Manager to apply for and accept gifts and/or grants in any way connected with the scope of this acquisition, and to execute any and all instruments as may be necessary or appropriate to effectuate the foregoing acquisition.

You are hereby directed to serve this call by posting attested copies thereof at the usual places:

Prec. 1 North Amherst Post Office	Prec. 6	Fort River School
Prec. 2 North Fire Station	Prec. 7	Crocker Farm School
Prec. 3 Immanuel Lutheran Church	Prec. 8	Munson Memorial Library
Prec. 4 Amherst Post Office	Prec. 9	Wildwood School
Prec. 5 Town Hall	Prec. 10	Campus Center, UMass

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said meeting.

Given under our hands on this 14th day of May, 2014.

Aaron A. Hayden  
Andrew J. Steinberg  
Constance E. Kruger  
James J. Wald  
Alisa V. Brewer  
Select Board

May 15, 2014

Hampshire, ss.

In obedience to the within warrant, I have this day as directed posted true and attested copies thereof at the above designated places, to wit:

Thomas J. Sarna  
Constable, Town of Amherst

**RESULTS  
SPECIAL TOWN MEETING  
June 2, 2014**

The meeting was televised by Amherst Community Television and shown on the Government Channel.

The Special Town Meeting was called to order by the Moderator, James W. Pistrang at 7:12 p.m. There were 250 town meeting members. 126 checked in and a quorum was declared. The call and return of the warrant was read by Town Clerk, Sandra J. Burgess.

**ARTICLE 1. MUNSON LIBRARY EASEMENTS (Select Board)**

**VOTED unanimously** to authorize the Select Board to convey to the Trustees of South Congregational Church, with the concurrence of the Trustees of the Munson Memorial Library, easements on portions of the Munson Memorial Library property located at 1046 South East Street and shown on Assessors Map 20D as Parcel 49, which portions are approximately shown on a sketch plan entitled “Munson Library Easement Plan,” on file with the Town Clerk, for the purpose of maintaining, improving, and repairing a driveway located partly on said Library land and partly on the Church property, and for the purpose of installing, maintaining, repairing and replacing sewer and drainage pipe or pipes, swales, catch-basins and related sewer and stormwater appurtenances, said easements to be granted on such terms and conditions and for such consideration, which may be nominal consideration, as the Select Board deems appropriate.

Action taken 6/2/2014.

**ARTICLE 2. GRANT OF EASEMENT – Town of Pelham (Select Board)**

**VOTED unanimously** to transfer certain Town-owned property, described below, held by the Select Board for water supply purposes, to the Select Board for water supply purposes and for the purpose of conveyance of certain permanent and temporary easements, as described hereinafter, and to authorize the Select Board, in its capacity as the Board of Water Commissioners, to grant to the Town of Pelham, for no consideration, permanent and temporary easements on the Town-owned parcels shown on a plan entitled “Massachusetts Department of Transportation Highway Division Reconstruction of Amherst Road Phase 2,” a copy of which is on file with the Town Clerk, for the purpose of reconstructing and improving Amherst Road, including, but not limited to, drainage, slope and grading easements, which easements will encumber the following Town-owned parcels: Assessor Map 7, Parcel 58; Assessor Map 8, Parcel 5; Assessor Map 8, Parcel 7R; Assessor Map 15, Parcel 1; Assessor Map 15, Parcel 9; and Assessor Map 16, Parcel 24 and, and upon such property of the Town within 100 feet of the edge of the right of way of Amherst Road; and further to authorize the Select Board to file a home rule petition for approval of any or all of said conveyances under Article 97 of the Amendments to the Massachusetts Constitution, if such approval is deemed by the Select Board to be needed.

Action taken 6/2/2014.

**ARTICLE 3. WATERSHED LAND – Overlook Drive Acquisition (Select Board)**

**VOTED** to (a) authorize the Select Board, in its capacity as the Board of Water Commissioners, to acquire by gift, purchase, and/or eminent domain, for water supply protection purposes, the parcel of land on Overlook Drive, Amherst, shown as Parcel 50 on Assessors Map 6B, and containing 1.15 acres, more or less; (b) to appropriate \$120,000 for acquisition of such land and costs related thereto, and, to meet such appropriation, transfer \$120,000 from the Water Fund Surplus; and and (c) authorize the Select Board, the Town Manager, and/or such other boards or officers as they deem

appropriate, to apply for and accept on behalf of the Town any and all applications for funds under the Massachusetts Department of Environmental Protection Drinking Water Supply Protection Program and/or applications for funds, gifts, and grants, including grants for reimbursement, under any federal and/or state programs, and to enter into any and all agreements and execute any and all instruments to effectuate the foregoing acquisition.

Action taken 6/2/2014.

**ARTICLE 4. WATERSHED LAND – Shutesbury Land Acquisition (Select Board)**

**VOTED unanimously** to (a) authorize the Select Board, in its capacity as the Board of Water Commissioners, to acquire, by gift, purchase, and/or eminent domain, for water supply protection purposes, all or a portion or portions of the parcels of land located on or off Sumner Mountain Road, Shutesbury, shown on Shutesbury Assessors Map W as Parcels 15, 108, 109, and 110, which portions contain 21.5 acres, more or less; (b) appropriate \$380,000 for acquisition of such land and costs related thereto, and, to meet such appropriation, transfer \$380,000 from the Water Fund Surplus; and (c) authorize the Select Board, the Town Manager, and/or such other boards or officers as they deem appropriate, to apply for and accept on behalf of the Town any and all applications for funds under the Massachusetts Department of Environmental Protection Drinking Water Supply Protection Program and/or applications for funds, gifts, and grants, including grants for reimbursement, under any federal and/or state programs, and to enter into any and all agreements and execute any and all instruments to effectuate the foregoing acquisition, provided that the Select Board is authorized to acquire said land only if, prior to said acquisition, the Town has received a commitment for award of a grant under the Drinking Water Supply Protection Program or other federal or state program, to defray a portion of the amount appropriated under this article, which may be defrayed by reimbursement following acquisition.

Action taken 6/2/2014.

**ARTICLE 5. AFFORDABLE HOUSING - Preservation of Units at Rolling Green**

**(Community Preservation Act Committee)**

**VOTED by a declared two-thirds** to: (a) authorize the Select Board to acquire by purchase, gift, and/or eminent domain, permanent affordable housing restrictions encumbering forty-one (41) or more units in the Rolling Green apartments, located at 422 Belchertown Road and shown on Assessors Map 18A as Lot 43, requiring said units to be used to provide housing to persons earning no more than eighty percent (80%) of the Springfield Area Median Income; (b) appropriate \$1,250,000 from the Community Preservation Fund for the purpose of acquiring, creating, and/or supporting said community housing, and authorize the Treasurer, with the approval of the Select Board, to issue any bonds or notes that may be necessary for such purposes pursuant to G.L. 44B, §11, G.L. c. 44, and/or any other enabling authority; and (c) authorize the Select Board and/or the Town Manager to apply for and accept gifts and/or grants in any way connected with the scope of this acquisition, and to execute any and all instruments as may be necessary or appropriate to effectuate the foregoing acquisition.

Action taken 6/2/2014.

**ARTICLE 6. ZONING PETITION – Amend Zoning Bylaw — Municipal Parking District  
(O'Connor et al)**

**VOTED Yes 88, No 78 to DISMISS**

[To see if the Town will vote to amend Article 7 of the Zoning Bylaw by deleting the ~~lined-out~~ language and adding the language in **bold** as follows:

Municipal Parking (MP) District

#### 7.43 Regulation

Notwithstanding the other provisions of Section 7.0, off-street parking spaces need not be provided for any principal or related accessory uses under the following categories of Section 3.3, Use Chart: Residential Use (Section 3.32) **except for residential uses or developments or mixed uses that result in a net increase of ten (10) or more dwelling units**, Retail Business and Consumer Service Use (Section 3.35), and Research and Industrial Use (Section 3.37), located within the Municipal Parking District as herein defined. The following uses shall be required to meet the parking requirements of this Bylaw within the MP District: dormitory or similar college residence hall, hotel or motel, inn and all other principal and accessory uses under other categories of Section 3.3, Use Chart.

#### SECTION 7.9 WAIVERS

7.90 Any section or subsection of Article 7.0, Parking Regulations, may be waived or modified by the Permit Granting for compelling reasons of safety, aesthetics, or site design, **except that: 1) no waiver of the requirements for HP spaces shall be granted; 2) no waiver of parking space requirements based on access to off-site parking spaces shall be granted without an unambiguous written contractual guarantee of access by the owner of the off-site parking spaces; and 3) no waiver of the provisions of the Municipal Parking (MP) District, Section 7.43 Regulation shall be granted.**

7.91 Parking space requirements under Section 7.0 may be modified when one or more of the following conditions are met to the satisfaction of the Permit Granting Authority, **except that: 1) no waiver of the requirements for HP spaces shall be granted; 2) no waiver of parking space requirements based on access to off-site parking spaces shall be granted without an unambiguous written contractual guarantee of access by the owner of the off-site parking spaces; and 3) no waiver of the provisions of the Municipal Parking (MP) District, Section 7.43 Regulation shall be granted;**

Action taken 6/2/2014.

#### ARTICLE 7. ZONING PETITION – Amend Zoning Bylaw — Affordable Housing (O'Connor et al)

##### **VOTED Yes 87, No 77 to DISMISS**

[To see if the Town will vote to amend Articles 12 and 15 of the Zoning Bylaw by deleting the lined out language and adding the language in bold as follows:

Amend Article 12 by amending the following definition:

12.24 Housing, Affordable: Affordable housing units are units which may only be rented or purchased by ~~those who meet the guidelines for maximum annual income for low-income or moderate-income family or households~~ **whose annual incomes, adjusted for family size, do not exceed the limits for maximum annual income for low-income families or households** ~~The income limit for low-income shall be (80% of the median income for Amherst, as calculated by the U. S. Department of Housing and Urban Development or any successor agency), and are eligible and countable for the purpose of the Commonwealth's 40B Subsidized Housing Inventory (SHI) or its successor. and the income limit for moderate-income shall be 120% of median income for Amherst.~~

~~Median income for Amherst shall be calculated by the U. S. Department of Housing and Urban Development, or any successor agency and shall be adjusted for family size.~~



**B. Amend Article 15, as follows:**

Section 15.0 Intent and Purpose

The purposes of this Article includes the following:

15.00 Ensuring that new residential development **or uses, or mixed uses** generates affordable housing as defined in ~~Section 12.20~~ **Article 12...**

Section 15.1 Regulations

**15.10 Affordable Housing Requirements**

**15.100 For the purposes of this Bylaw, all contiguous parcels held in common as of September 1, 2013 shall be considered a single parcel for the purposes of the application of inclusionary requirements hereunder.**

**15.101 The provisions of Article 15 shall not apply to residential uses or developments applied for by Comprehensive Permit under the provisions of M.G.L. Ch. 40B.**

**15.102 All residential uses and developments or mixed uses requiring a Special Permit for any aspect of a proposed use or development, including dimensional modifications, and resulting in a net increase in additional new dwelling units eligible to be counted as year-round housing units under the U.S. Census, M.G.L. Chapter 40B and the regulations of the Massachusetts Department of Housing and Community Development with regarding to the Subsidized Housing Inventory (SHI), whether as a result of new construction, renovation, redevelopment or expansion of existing residential uses or developments, shall provide permanently affordable housing units (see definition, Article 12) at the following minimum rates.**

~~Total Development~~ **Net Increase in Unit Count** **Required Affordable Unit Provision**

~~Where two or more units are required to be provided under this section, a minimum of forty nine percent (49%) of affordable units shall be eligible and countable for the purpose of the Commonwealth's 40B Subsidized Housing Inventory (SHI) or its successor. Calculation of the number of total affordable units or the number of SHI eligible units shall, if the required percent of the total results in a fraction, shall be rounded up to the next whole number where the fractional portion is equal to 0.5 or greater, and shall be rounded down to the next whole number where the fractional portion is less than 0.5~~

**15.103 The management plan for residential uses and developments or mixed uses subject to Article 15 shall include a written plan for marketing, family selection, eligibility monitoring, resale control, etc., as appropriate, for all affordable units whether rented or purchased.]**

Action taken 6/2/2014.

**RESULTS  
SPECIAL TOWN MEETING  
June 2, 2014**

The meeting was televised by Amherst Community Television and shown on the Government Channel.

The Special Town Meeting was called to order by the Moderator, James W. Pistrang at 7:12 p.m. There were 250 town meeting members. 126 checked in and a quorum was declared. The call and return of the warrant was read by Town Clerk, Sandra J. Burgess.

**ARTICLE 1. MUNSON LIBRARY EASEMENTS (Select Board)**

**VOTED unanimously** to authorize the Select Board to convey to the Trustees of South Congregational Church, with the concurrence of the Trustees of the Munson Memorial Library, easements on portions of the Munson Memorial Library property located at 1046 South East Street and shown on Assessors Map 20D as Parcel 49, which portions are approximately shown on a sketch plan entitled "Munson Library Easement Plan," on file with the Town Clerk, for the purpose of maintaining, improving, and repairing a driveway located partly on said Library land and partly on the Church property, and for the purpose of installing, maintaining, repairing and replacing sewer and drainage pipe or pipes, swales, catch-basins and related sewer and stormwater appurtenances, said easements to be granted on such terms and conditions and for such consideration, which may be nominal consideration, as the Select Board deems appropriate.  
Action taken 6/2/2014.

**ARTICLE 2. GRANT OF EASEMENT – Town of Pelham (Select Board)**

**VOTED unanimously** to transfer certain Town-owned property, described below, held by the Select Board for water supply purposes, to the Select Board for water supply purposes and for the purpose of conveyance of certain permanent and temporary easements, as described hereinafter, and to authorize the Select Board, in its capacity as the Board of Water Commissioners, to grant to the Town of Pelham, for no consideration, permanent and temporary easements on the Town-owned parcels shown on a plan entitled "Massachusetts Department of Transportation Highway Division Reconstruction of Amherst Road Phase 2," a copy of which is on file with the Town Clerk, for the purpose of reconstructing and improving Amherst Road, including, but not limited to, drainage, slope and grading easements, which easements will encumber the following Town-owned parcels: Assessor Map 7, Parcel 58; Assessor Map 8, Parcel 5; Assessor Map 8, Parcel 7R; Assessor Map 15, Parcel 1; Assessor Map 15, Parcel 9; and Assessor Map 16, Parcel 24 and, and upon such property of the Town within 100 feet of the edge of the right of way of Amherst Road; and further to authorize the Select Board to file a home rule petition for approval of any or all of said conveyances under Article 97 of the Amendments to the Massachusetts Constitution, if such approval is deemed by the Select Board to be needed.  
Action taken 6/2/2014.

**ARTICLE 3. WATERSHED LAND – Overlook Drive Acquisition (Select Board)**

**VOTED** to (a) authorize the Select Board, in its capacity as the Board of Water Commissioners, to acquire by gift, purchase, and/or eminent domain, for water supply protection purposes, the parcel of land on Overlook Drive, Amherst, shown as Parcel 50 on Assessors Map 6B, and containing 1.15 acres, more or less; (b) to appropriate \$120,000 for acquisition of such land and costs related thereto, and, to meet such appropriation, transfer \$120,000 from the Water Fund Surplus; and (c) authorize the

Select Board, the Town Manager, and/or such other boards or officers as they deem appropriate, to apply for and accept on behalf of the Town any and all applications for funds under the Massachusetts Department of Environmental Protection Drinking Water Supply Protection Program and/or applications for funds, gifts, and grants, including grants for reimbursement, under any federal and/or state programs, and to enter into any and all agreements and execute any and all instruments to effectuate the foregoing acquisition.  
Action taken 6/2/2014.

**ARTICLE 4. WATERSHED LAND – Shutesbury Land Acquisition (Select Board)**

**VOTED unanimously** to (a) authorize the Select Board, in its capacity as the Board of Water Commissioners, to acquire, by gift, purchase, and/or eminent domain, for water supply protection purposes, all or a portion or portions of the parcels of land located on or off Sumner Mountain Road, Shutesbury, shown on Shutesbury Assessors Map W as Parcels 15, 108, 109, and 110, which portions contain 21.5 acres, more or less; (b) appropriate \$380,000 for acquisition of such land and costs related thereto, and, to meet such appropriation, transfer \$380,000 from the Water Fund Surplus; and (c) authorize the Select Board, the Town Manager, and/or such other boards or officers as they deem appropriate, to apply for and accept on behalf of the Town any and all applications for funds under the Massachusetts Department of Environmental Protection Drinking Water Supply Protection Program and/or applications for funds, gifts, and grants, including grants for reimbursement, under any federal and/or state programs, and to enter into any and all agreements and execute any and all instruments to effectuate the foregoing acquisition, provided that the Select Board is authorized to acquire said land only if, prior to said acquisition, the Town has received a commitment for award of a grant under the Drinking Water Supply Protection Program or other federal or state program, to defray a portion of the amount appropriated under this article, which may be defrayed by reimbursement following acquisition.

Action taken 6/2/2014.

**ARTICLE 5. AFFORDABLE HOUSING - Preservation of Units at Rolling Green  
(Community Preservation Act Committee)**

**VOTED by a declared two-thirds** to: (a) authorize the Select Board to acquire by purchase, gift, and/or eminent domain, permanent affordable housing restrictions encumbering forty-one (41) or more units in the Rolling Green apartments, located at 422 Belchertown Road and shown on Assessors Map 18A as Lot 43, requiring said units to be used to provide housing to persons earning no more than eighty percent (80%) of the Springfield Area Median Income; (b) appropriate \$1,250,000 from the Community Preservation Fund for the purpose of acquiring, creating, and/or supporting said community housing, and authorize the Treasurer, with the approval of the Select Board, to issue any bonds or notes that may be necessary for such purposes pursuant to G.L. 44B, §11, G.L. c. 44, and/or any other enabling authority; and (c) authorize the Select Board and/or the Town Manager to apply for and accept gifts and/or grants in any way connected with the scope of this acquisition, and to execute any and all instruments as may be necessary or appropriate to effectuate the foregoing acquisition.

Action taken 6/2/2014.

**ARTICLE 6. ZONING PETITION – Amend Zoning Bylaw — Municipal Parking District  
(O'Connor et al)**

**VOTED Yes 88, No 78 to DISMISS**

[To see if the Town will vote to amend Article 7 of the Zoning Bylaw by deleting the ~~lined out~~ language and adding the language in **bold** as follows:

Municipal Parking (MP) District

7. 43 Regulation

Notwithstanding the other provisions of Section 7.0, off-street parking spaces need not be provided for any principal or related accessory uses under the following categories of Section 3.3, Use Chart: Residential Use (Section 3.32) **except for residential uses or developments or mixed uses that result in a net increase of ten (10) or more dwelling units**, Retail Business and Consumer Service Use (Section 3.35), and Research and Industrial Use (Section 3.37), located within the Municipal Parking District as herein defined. The following uses shall be required to meet the parking requirements of this Bylaw within the MP District: dormitory or similar college residence hall, hotel or motel, inn and all other principal and accessory uses under other categories of Section 3.3, Use Chart.

## SECTION 7.9 WAIVERS

7.90 Any section or subsection of Article 7.0, Parking Regulations, may be waived or modified by the Permit Granting for compelling reasons of safety, aesthetics, or site design, **except that: 1) no waiver of the requirements for HP spaces shall be granted; 2) no waiver of parking space requirements based on access to off-site parking spaces shall be granted without an unambiguous written contractual guarantee of access by the owner of the off-site parking spaces; and 3) no waiver of the provisions of the Municipal Parking (MP) District, Section 7.43 Regulation shall be granted.**

7.91 Parking space requirements under Section 7.0 may be modified when one or more of the following conditions are met to the satisfaction of the Permit Granting Authority, **except that: 1) no waiver of the requirements for HP spaces shall be granted; 2) no waiver of parking space requirements based on access to off-site parking spaces shall be granted without an unambiguous written contractual guarantee of access by the owner of the off-site parking spaces; and 3) no waiver of the provisions of the Municipal Parking (MP) District, Section 7.43 Regulation shall be granted:]**

Action taken 6/2/2014.

## ARTICLE 7. ZONING PETITION – Amend Zoning Bylaw — Affordable Housing (O'Connor et al)

### VOTED Yes 87, No 77 to DISMISS

[To see if the Town will vote to amend Articles 12 and 15 of the Zoning Bylaw by deleting the lined out language and adding the language in bold as follows:

Amend Article 12 by amending the following definition:

12.24 Housing, Affordable: Affordable housing units are units which may only be rented or purchased by ~~those who meet the guidelines for maximum annual income for low income or moderate income family or households~~ **whose annual incomes, adjusted for family size, do not exceed the limits for maximum annual income for low-income families or households** ~~The income limit for low income shall be (80% of the median income for Amherst, as calculated by the~~ **U. S. Department of Housing and Urban Development or any successor agency), and are eligible and countable for the purpose of the Commonwealth's 40B Subsidized Housing Inventory (SHI) or its successor.** ~~and the income limit for moderate income shall be 120% of median income for Amherst.~~

~~Median income for Amherst shall be calculated by the U. S. Department of Housing and Urban Development, or any successor agency and shall be adjusted for family size.~~

### B. Amend Article 15, as follows:

Section 15.0 Intent and Purpose

The purposes of this Article includes the following:

15.00 Ensuring that new residential development **or uses, or mixed uses** generates affordable housing as defined in ~~Section 12-20~~ **Article 12...**

#### Section 15.1 Regulations

##### 15.10 Affordable Housing Requirements

**15.100 For the purposes of this Bylaw, all contiguous parcels held in common as of September 1, 2013 shall be considered a single parcel for the purposes of the application of inclusionary requirements hereunder.**

**15.101 The provisions of Article 15 shall not apply to residential uses or developments applied for by Comprehensive Permit under the provisions of M.G.L. Ch. 40B.**

**15.102 All residential ~~uses and~~ developments ~~or mixed uses~~ requiring a Special Permit for any aspect of a proposed use or development, including dimensional modifications, and resulting in a net increase in additional new dwelling units eligible to be counted as year-round housing units under the U.S. Census, M.G.L. Chapter 40B and the regulations of the Massachusetts Department of Housing and Community Development with regarding to the Subsidized Housing Inventory (SHI), whether as a result of new construction, renovation, redevelopment or expansion of existing residential uses or developments, shall provide permanently affordable housing units (see definition, Article 12) at the following minimum rates.**

Total Development	<u>Net Increase in Unit Count</u>	<u>Required Affordable Unit Provision</u>
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~~Where two or more units are required to be provided under this section, a minimum of forty nine percent (49%) of affordable units shall be eligible and countable for the purpose of the Commonwealth's 40B Subsidized Housing Inventory (SHI) or its successor. Calculation of the number of total affordable units or the number of SHI eligible units shall, if the required percent of the total results in a fraction, shall be rounded up to the next whole number where the fractional portion is equal to 0.5 or greater, and shall be rounded down to the next whole number where the fractional portion is less than 0.5~~

**15.103 The management plan for residential uses and developments or mixed uses subject to Article 15 shall include a written plan for marketing, family selection, eligibility monitoring, resale control, etc., as appropriate, for all affordable units whether rented or purchased.]**

Action taken 6/2/2014.

The business of the warrant having been completed, the meeting voted to dissolve at 9:08 p.m. on June 2, 2014. 176 town meeting members were checked in.

Attest:  
Sandra J. Burgess  
Town Clerk